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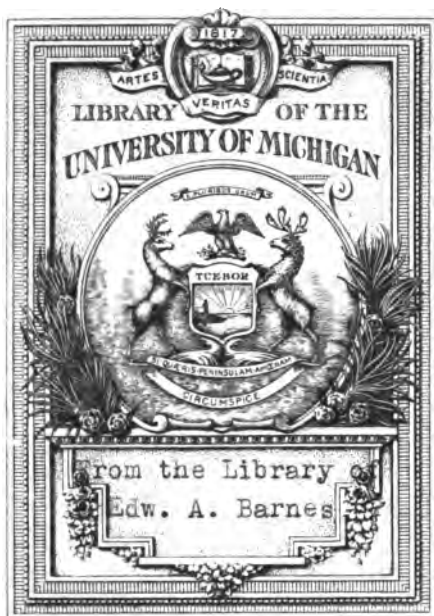
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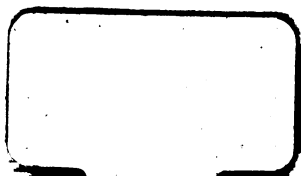
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EMINENT LITERARY AND SCIENTIFIC MEN.

Biography.

EMINENT BRITISH STATESMEN.

VOL. IV.

BY JOHN FORSTER, ESQ.
OF THE INNER TEMPLE.

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1838.



LIVES
OF
EMINENT
BRITISH STATESMEN.

VOL. IV.

By John Forster, Esq of the Inner Temple.



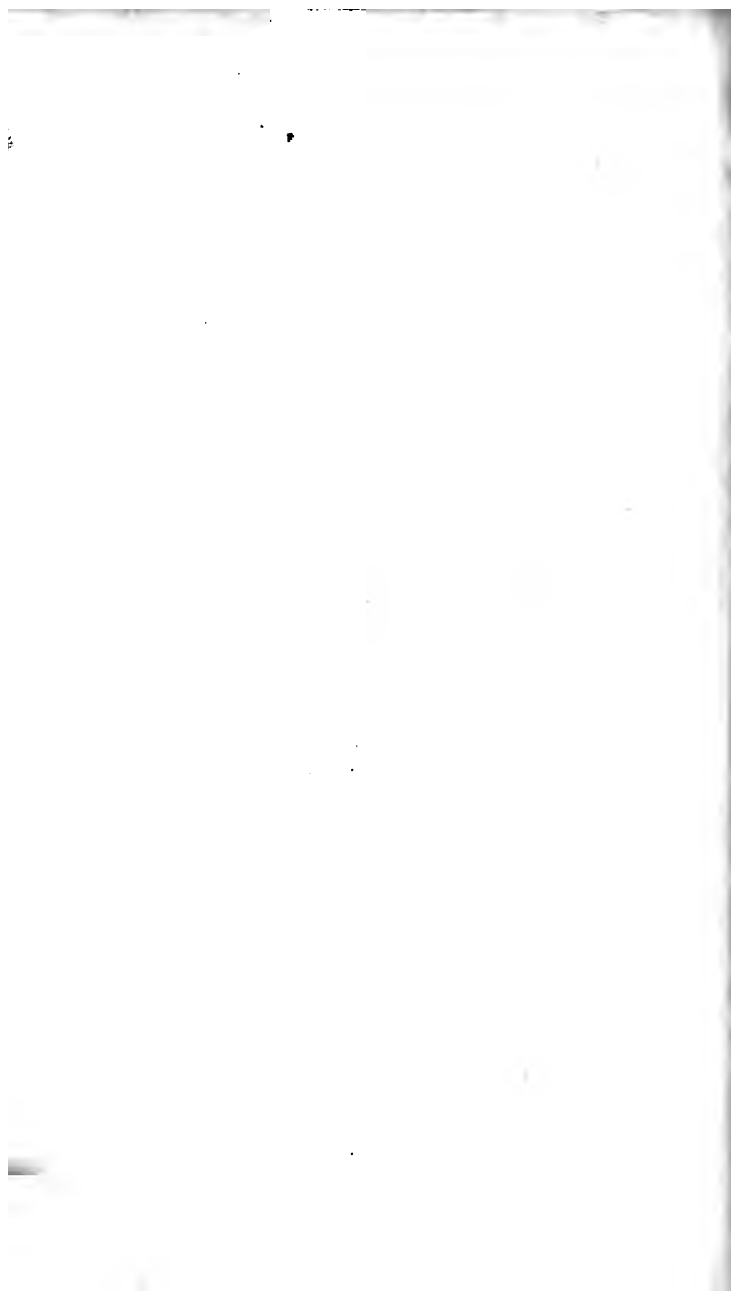
Sir John Eliot.

*Engraved by W. G. Edwards with the permission of the Earl of St. Germainis
From the original picture at Port Eliot.*

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THIS volume completes that portion of the series which relates to the statesmen of the English commonwealth. The subjects have been selected with reference to the various stages in the struggle, from the opposition in the reign of James to the breaking out of the civil war, and thence to the execution of Charles, the usurpation of Cromwell, and the resumption of power by the republicans on the abdication of his son. The principal and greatest person who adhered to Charles has not been omitted.

Four lives, out of the six, are here written in a detached shape for the first time; for, though few have been able to dispute the celebrated saying of bishop Warburton, that, at the period they illustrate, the spirit of liberty was at its height in this country, "and its interests were conducted and supported by a set of the greatest geniuses for government that the world ever saw embarked together in one common cause," the number of those who have troubled themselves to inquire into the reason or precise value of this saying have been fewer still. It is surely a grave reproach to English political biography, that the attention so richly due to the statesmen who opposed Charles the First, in themselves the most remarkable men of any age or nation, should have been suffered to be borne away by the poorer imitators of their memorable deeds, the authors of the imperfect settlement of 1688.

The portrait prefixed to this volume illustrates one of the earlier memoirs, and has been engraved by the courtesy of Lord St. Germain's, the patriot's lineal descendant. It is the first published portrait of Sir John Eliot.

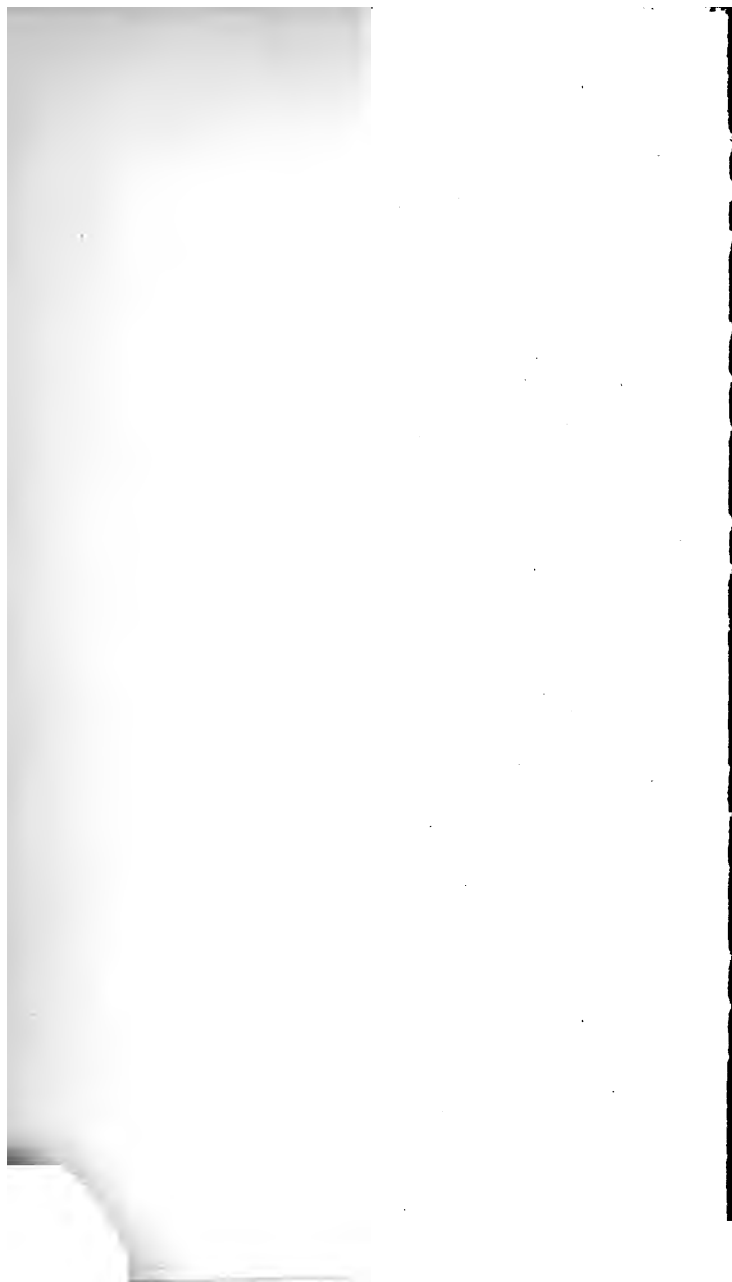


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LIVES

OF

EMINENT BRITISH STATESMEN.

SIR HENRY VANE THE YOUNGER.

1612—1662.

HENRY VANE, the eldest son of sir Henry Vane, of Hadlow, in Kent, was born in the year 1612. His family could trace itself back to the earliest times of the English history.* They sprang from Howel ap Vane, of Monmouthshire, whose son, Griffith ap Howel Vane, married Lettice, daughter of Bledwin ap Kenwyn, lord of Powis. Six generations after this mark the date of the battle of Poitiers, where the then representative of the family, Henry Vane, received knighthood on the field as the reward of great bravery. After the lapse of five more generations, one of the branches of the family altered the name to Fane, which was retained by the descendants of his second son; while the issue of his fourth son, John, who had inherited the manor of Hadlow, and other estates in Kent and elsewhere, in consequence of the eldest son dying without issue, resumed, in the second generation, the old name of Vane.

* Ludlow states them to have been originally of the diocese of Durham. *Memoirs*, vol. ii. p. 110.

The eldest son of this last named John was unwarily drawn into sir Thomas Wyatt's insurrection, but pardoned, on the score of youth, by Mary, and afterwards elected to two of Elizabeth's parliaments. Henry Vane, the father of the subject of this memoir, was his eldest grandson; and it was by him the ancient name was resumed.

Sir Henry Vane the elder is described by Clarendon as a busy and a bustling man; and a rapid glance over the chief incidents of his life will show the correctness of the description. He was born in 1589, and received knighthood from James I. in 1611. He travelled afterwards for three years, and mastered many foreign languages. On his return to England, he was elected to the parliament of 1614, by the city of Carlisle, and from this period, during many years, exerted considerable influence in the cabinets of James and Charles. James had appointed him, soon after his entry into the house of commons, cofferer to the prince, who continued him in the same office on his own accession to the throne, and made him one of his privy council. In the parliaments of 1620 and 1625, he continued to sit for Carlisle; and he served in every subsequent parliament to the time of his death, having been elected for Thetford in Norfolk, Wilton in Wiltshire, and for the county of Kent. As a diplomatist, he appears justly entitled to high praise; in other matters, it may not be unjust to use the words of Clarendon, that he had "credit enough to do his business in all places, and cared for no man, otherwise than as he found it very convenient for himself."* In 1631, he had been appointed ambassador extraordinary to renew the treaty of friendship and confederacy with Christian of Denmark; and also, in a similar character, to conclude on a firm peace and alliance with Gustavus Adolphus of Sweden. Both these treaties were of great importance

* History of the Rebellion, vol. i. p. 216., Oxford, 1826 (the only correct edition).

to the power and the commercial interests of England, and he concluded both auspiciously. He returned home in 1632, and in 1633 gave a princely entertainment, at his castle of Raby, to Charles, then on his way to Scotland to be crowned; as he did again on a more fatal occasion, in 1639, when the king was marching with his melancholy "expedition to Scotland," in which sir Henry Vane himself had the command of a regiment. In the latter year, he was made comptroller of the household, and some months after this appointment received the highest seat in Charles's administration, that of principal secretary of state. The latter years of his life associate themselves with the fortunes of his illustrious son.

The mother of the famous sir Henry Vane was Frances Darcy, of an old family in Essex. She had many other children, of whom the second son, sir George Vane, was knighted in 1640, and seated himself in retirement at Long Melton, in the county of Durham; while Charles distinguished himself as a diplomatist under the commonwealth, when envoy to Lisbon. One of her daughters married sir Thomas Honeywood*, of Essex, a man of learning and a good soldier; another, sir Francis Vincent, of Surrey; a third married sir Thomas Liddel, of Ravensworth, an ancestor of the present earl of Ravensworth; while the eldest became the wife of sir Thomas Pelham, the ancestor of those families which are now represented by the duke of Newcastle, the earl of Chichester, and lord Yarborough. It may be worth adding, that the present earldom of Westmoreland is held by the lineal descendant of that branch of the Vane family who retained the assumed name of Fane; and that the present duke of Cleveland, William Harry Vane, is the lineal descendant of the great statesman whose life will occupy these pages. A dukedom was given, in 1832, as the reward of a dis-

* See Wood's *Fasti Oxoniensis*, part 2. p. 167., ed. Bliss.

interested advocacy of popular principles — rewarded, in 1662, by a scaffold! *

Such were the brilliant auspices which ushered Henry Vane into the world. The representative of a long line of illustrious ancestors, the immediate heir to great wealth, and, as it were, to the favour of the princes whom his father served, — a broad and bright path stretched itself out before him, lighted by honours and enjoyments, and leading to luxury and power.

He received his education at Westminster school, under the care of Lambert Osbaldiston; and was school-fellow with Arthur Haselrig, Thomas Scot, and others whom active participation in public affairs subsequently rendered famous.† Here, yielding for a time to the impulses of his youth and station, he entered wildly into the gaieties of both; and they soon showed him, by the light of sudden and awful contrast, a fiery sincerity in his soul, which had nothing in common with such things, but marked its owner out for serious and great achievements, and whispered to him, even then, of the possible regeneration of mankind. He shall describe the first dawning of this change in his own words, as he described it, in after years, to the multitudes who had assembled to see him die: — “I was born a gentleman; had the education, temper, and spirit of a gentleman, as well as others; being, in my youthful days, inclined to the vanities of this world, and to that which they call *good fellowship*, judging it to be the only means of accomplishing a gentleman.

* It is scarcely necessary to say that allusion is here made to William Harry Vane, baron Raby of Raby castle, and duke of Cleveland; known, before the accession of his present titles, as the earl of Darlington, and also as the marquis of Cleveland. He had an enormous interest at stake in the existence of the rotten boroughs, and yet voted in the house of lords for their extinction on the memorable 4th of June, 1832, when that great measure of reform was consummated which his illustrious ancestor — the statesman whose life is written in these pages — had been the first to propose to parliament. He received his dukedom early in the following year, with the addition of the very barony of Raby, in appropriating which, two centuries before, lord Strafford had given such mortal offence to the elder sir Henry Vane. The authorities for the pedigree of the Vanes will be found in the Biog. Brit. vol. vi. p. 3989; and in Collins's Peerage, vol. iv. p. 290.

† Wood's Ath. Ox. vol. iii. p. 578., ed. Bliss.

But, about the fourteenth or fifteenth year of my age, which was about thirty-four or five years since, God was pleased to lay the foundation or groundwork of repentance in me, for the bringing me home to himself, by his wonderful rich and free grace, revealing his Son in me, that, by the knowledge of the only true God, and Jesus Christ whom he hath sent, I might, even whilst here in the body, be made partaker of eternal life, in the first fruits of it.* His father appears to have remonstrated bitterly against his unworldly change. "Yea," observes Sikes, "this change and new steering of his course contracted enmity to him in his father's house." And in the year after its occurrence, he was sent as a gentleman commoner to Magdalen college, Oxford, where, it is possible, his father may have hoped that in such a nursery of dissipation and fantastic forms the youth might be induced to abandon his untoward turn for seriousness and the realities.

Such a hope, if ever entertained, was doomed to very decisive disappointment. "At about sixteen years of

* Vane's speech on the scaffold, from a pamphlet "printed in the year 1662." A very extraordinary publication of the same year, to which I shall have very frequent occasion to refer, and which was written by one of Vane's associates, thus described this change in his habits and way of life:—"He was born a gentleman. My next word is so much too big for that, that it may hardly seem decorous to stand so near it. He was a chosen vessel of Christ, separated (as Paul) from his mother's womb, though not actually called till 14 or 15 years' standing in the world ('t was longer ere Paul was called); during which time, such was the complexion and constitution of his spirit, through ignorance of God and his wayes, as rendered him acceptable company to those they call good fellows (yet, at his worst, restrained from that lewdness intemperance sometimes leads into, which he hath been oft heard to thank God for), and so long he found tolerable quarter amongst men. Then God did by some signal impressions and awakening dispensations, startle him into a view of the danger of his condition. On this, he and his former jolly company came presently to a parting blow." The titlepage of the very singular and valuable book from which the above extract is taken runs in these words:—"Life and Death of Sir Henry Vane, Knight; or, a short Narration of his earthly Pilgrimage; together with a true Account of his purely Christian, peaceable, spiritual, Gospel Principles, Doctrine, Life, and Way of worshipping God, for which he suffered Contradiction and Reproach from all sorts of Sinners, and at last a violent Death, June 14. Anno 1662. To which is added, his last Exhortation to his Children, the Day before his Death. Printed in the Year 1662." The author was George Sikes, a bachelor in divinity, and fellow of Magdalen, in Oxford, where Vane studied, and, it may be supposed, their intimacy commenced. He was a thorough enthusiast, with all the sincerity and faith, though without the knowledge and various power, of Vane himself.

age," says Anthony à Wood, "he became a gentleman commoner of Magdalen Hall, as his great creature, Henry Stubbe, hath several times informed me; but, when he was to be matriculated as a member of the university, and so consequently take the oath of allegiance and supremacy, he quitted his gown, put on a cloak, and studied, notwithstanding, for some time in the said hall." He then quitted Oxford for the continent, and, passing through France, spent some time in Geneva*, where his strong tendency to the dispute and discussion of spiritual matters, it will readily be supposed, found little check or hinderance. He brought back with him to England, Clarendon tells us, "a full prejudice and bitterness against the church, both against the form of the government, and the liturgy, which was generally in great reverence, even with many of those who were not friends to the other."

Great was the consternation, meanwhile, of the now worthy comptroller of his majesty king Charles's household, the elder Vane. The open disaffection of his son in matters of religion could be concealed no longer: useless had been all threats and persuasions on that score; still more useless the endeavour to tame a yet stronger tendency to republicanism, by bringing the youth within reach of the king. The presence chamber of Charles † had no charms for one to whom the house and heart of Pym were open. A last effort was made, and with a like result. The bishops took the matter in hand. "It was suggested," says his friend Sikes‡, "by the bishops to the then king, concerning

* Clarendon, vol. i. p. 326.; Oxford edition of 1826.

† A favourite story of the ribald royalist prints against young Vane had its origin in these efforts of his father to conquer his popular and republican tastes, by bringing him into personal contact with the king. On one occasion, the youth was left alone by his father (purposely, no doubt) in the royal presence chamber; when Charles suddenly approaching, Vane as suddenly, resolute to avoid him, hid himself behind the arras. Charles, perceiving a motion in the hangings, poked with the stick he always carried at that part of the room, till Vane was obliged to come forth, and "retired in confusion." This was an insult, say the selfishly judging royalist writers, which the young republican never forgave.

‡ In the publication referred to above, — *Life and Death of Sir Henry Vane*.

him, 'that the heir of a considerable family about his majesty was grown into dislike of the discipline and ceremonies of the church of England, and that his majesty might do well to take some course about him.' On this, the then bishop of London took him to task, who seemed to handle him gently in the conference, but concluded harshly enough against him in the close." Such a conference, and such a close to it, may be well imagined. The supreme self-confidence of Laud, lashing itself into imperious and passionate wonder against the calm and immovable reason of the young republican recusant, is precisely what was likely to have been; and was also an exhibition in no way likely to increase the church's claims to obedience or respect in the person of her most eminent prelate.

These opening passages of the life of Vane are decisive evidences of his greatness. What he afterwards became, he had evidently willed already. To the mind of such a man, what is Temptation, or what Chance? In no case would they seem to have gone so nearly to overrule and determine the destiny of a man as in this case of the "son and heir" of the favourite minister of Charles I. But the power of Genius is the greatest power that the world has tested yet, and this Vane had. Impelled and sustained by it, he "waved and whistled off ten thousand strong and importunate temptations," and dashed the "dice-box of Chance" from her jewelled hand.

Whilst his father, ignorant what course to hold with him, looked round in fear lest a hostile position, maintained resolutely, might ultimately weaken and embarrass his own influence at court, young Vane suddenly announced his determination at once to leave his country, and seek the liberty of conscience denied him here in the new world that had risen beyond the waters of the wide Atlantic. Shortly after, the Rev. Mr. Garrard had a choice piece of news to write to the lord deputy of Ireland, which he worded thus, with his usual gossiping mixture of truth and falsehood:—"Mr. comptroller

sir Henry Vane's eldest son hath left his father, his mother, his country, and that fortune which his father would have left him here, and is, for conscience' sake, gone into New England, there to lead the rest of his days, being about twenty years of age. He had abstained two years from taking the sacrament in England, because he could get nobody to administer it to him standing. He was bred up at Leyden; and I hear that sir Nathaniel Rich and Mr. Pym have done him much hurt in their persuasions this way. God forgive them for it, if they be guilty!"*

When, twenty-seven years having passed, sir Henry Vane addressed the English people and posterity from a scaffold, he thus described, in words never to be forgotten, the cause which moved him to this voluntary exile:—"Since my early youth, through grace, I have been kept steadfast, desiring to walk in all good conscience towards God and towards man, according to the best light and understanding God gave me. For this, I was willing to turn my back upon my estate; expose myself to hazards in foreign parts; yea, nothing seemed difficult to me, so I might preserve faith and a good conscience, which I prefer before all things; and do earnestly persuade all people rather to suffer the highest contradictions from man, than disobey God by contradicting the light of their own conscience. In this it is I stand with so much comfort and boldness before you all this day."

America then stood forward, to the imaginations of the enthusiastic and the young, no less than to the oppressed consciences of worn and persecuted men, in the light of a promised land. The progress of her colonisation had excited the utmost interest and curiosity throughout Europe; the fortunes of her first emigrants, glimmering back into the world they had left through the infinite wildernesses and over the vast and dismal ocean which now divided them from it, were strained

* *Stafford's Letters*, vol. i. p. 463.

after by their friends with painful earnestness and wonder ; and, at each successive ship that left with pilgrim passengers to her shores, the admiration and amazement of men increased, that not of the poor, the unfortunate, or the lowly were these voluntary exiles, but rather, in the majority of instances, the most refined and accomplished examples of the civilisation of the age. Not alone the scholar and the philosopher, but the wealthy, the high born, and the nobly bred, were thus seen willingly abandoning the classic quiet, the splendour, the refinement of their homes, urged and sustained by those grand designs and hopes which, having told them that mankind were born for a better system of government, and a purer shape of society, than existed in the Old World, now pointed out to them an opportunity of testing these exalted aspirations in the new and strange lands which had started up so suddenly beyond the vast and dismal ocean. The work, thus begun by pure philanthropists, was carried out to an extraordinary extent by Laud's terrible system of church government ; and, for many months before Vane so suddenly formed his resolution of exile, successive multitudes of sufferers for the conscience' sake had been driven from their native country to take refuge in New England, as the last home that was left for religion or for liberty.

In glancing at the infancy of the American colonies, even thus briefly, several considerations of great interest suggest themselves as to the peculiar forms and habits of society which were of necessity incident to that early state, and the intellectual influences which again, as a matter of course, sprang out of these forms. It will be a matter of importance to follow them, as far as we may, in their probable or possible effects upon the mind of Vane. The extraordinary spectacle of two extreme points of human progress brought back into direct contact, which awaited his landing on the American shores, could hardly be presented to such a mind without an effect scarcely less extraordinary. There he had to see

4

a reunion of the city and the wilderness, a junction in the same men of the habits which belong to the highest advances of refinement and to the most rude and primitive condition of humanity. In log-houses he would have to seek, not vainly, the most studiously polished manners of civilisation ; for " the same person whose evenings were spent in the studies of philosophy, learning, and religion, was engaged during the day in the midst of the forest, or floating in a bark canoe ;" toiling in labours which were the occupations of the rudest and most barbarous ages, the employments of the period when

—" Nature first made man,
And wild in woods the noble savage ran."

Vane was not suffered to depart without many peevish remonstrances from his father : but it is said the king interfered at last, and intimated a wish for the absence of the young republican.†

A characteristic circumstance awaited his presence on board the passage ship. The puritans and nonconformists already assembled for the same distant voyage, instead of welcoming their illustrious fellow exile, shrank from him with coldness and suspicion. He was the son of a minister of the king ; he had a face that beamed with lustrous imagination ; and he wore long hair ! " His honourable birth," says his friend Sikes, " long hair, and other circumstances of his person, rendered his fellow-travellers jealous of him, as a spye to betray their liberty, rather than any way like to advantage their design." The old, vulgar, and never-failing resource, when we can find no better objection to a man ! Clarendon has a remark of the same kind in his history :—" Sir Harry Vane had an unusual aspect, which, though it might naturally proceed both from his father and mother, neither of which were beautiful persons, yet made men think there was somewhat in

* Upham's American Biography.

† Neal's History of New England, vol. i. p. 144. Neal adds, that Vane's design, " as he pretended," was to begin a settlement on the banks of the river Connecticut. And see Mather, book iii. p. 77.

him of extraordinary ; and his whole life made good that imagination." * A few short and pithy words out of Sikes's rhapsody furnish no bad result to that style of objection in the case of the puritan voyagers:—" But he that they thought at first sight to have too little of Christ for their company, did soon after appear to have too much for them."

Vane landed at Boston, in New England, in 1635, and was admitted to the freedom of Massachusetts on the 3d of March in the same year. Whatever his first reception by the colonists may have been, his character and his powers very speedily attracted universal attention ; and it became the theme of wonder and admiration with them all, that such a man, so fitted by his talents and his position to sway the destinies of men in courts and palaces, should "choose the better part" with the remote and unfriended exiles of the obscure wildernesses of Massachusetts. In 1636, after a very short residence among them, and while he had not yet completed his twenty-fourth year, "Mr. Vane" was elected governor of the colony.

Clarendon describes the population of Massachusetts at this time, garbling truth with falsehood, as "a mixture of all religions, which disposed the professors to dislike the government of the church ; who were qualified by the king's charter to choose their own government and governors, under the obligation 'that every man should take the oaths of allegiance and supremacy ;' which all the first planters did, when they received their charter, before they transported themselves from hence ; nor was there, in many years after, the least scruple amongst them of complying with those obligations : so far men were, in the infancy of their schism, from refusing to take lawful oaths." In the same passage of the history, Vane's election and government are thus described:—"He was no sooner landed there, but his parts made him

very quickly taken notice of; and very probably his quality, being the eldest son of a privy counsellor, might give him some advantage; insomuch that, when the next season came for the election of their magistrates, he was chosen their governor; in which place he had so ill fortune (his working and unquiet fancy raising and infusing a thousand scruples of conscience, which they had not brought over with them, nor heard of before), that, he unsatisfied with them, and they with him, he transported himself into England; having sowed such seed of dissension there as grew up too prosperously, and miserably divided the colony into several factions, and divisions, and persecutions of each other, which still continue, to the great prejudice of that plantation; insomuch as some of them, upon the ground of their first expedition, liberty of conscience, have withdrawn themselves from their jurisdiction, and obtained other charters from the king, by which, in other forms of government, they have enlarged their plantation, within new limits adjacent to the other.* Nor by Clarendon alone has Vane's administration been thus spoken of, but by writers of better faith and a nobler purpose, whom it is difficult to imagine wilfully lending themselves to the propagation of error.†

A simple detail of the short administration of Vane, derived from various sources, all of them above suspicion‡, will be the best answer to statements of this

* History of the Rebellion, vol. i. 327, 328.

† See Mather, book iii. p. 77.; Neale, vol. i. p. 144.; and the works of R. Baxter, *passim*. Mather has the following remark:—"Mr. Vane's election will remain a blemish to their judgment who did elect him, while New England remains a nation; for, coming from England a young unexperienced gentleman, by the industry of some who thought to make a tool of him, he was elected governor; and, before he was scarce warm in his seat, fell in with the sectaries, and sacrificed the peace of the state to them, leaving us a caveat, that all good men are not fit for government." Baxter, in his life, after speaking of Vane in the thoughtless phrase he too often adopted towards him, indulges the following utterly fictitious statement of his unpopularity in New England:—"He was fain to steal away by night, and take shipping for England, before his year of government was at an end." (Abridgment, p. 98.) The entire untruth of this will be shown.

‡ Winthrop's History of New England, the edition by Savage; Hutchinson's Collection of Original Papers; the second series of an extensive American work of history, called the "Massachusetts Historical Collections,"

kind. It is true that that administration was in its duration brief and stormy, and not successful in its result ; but greatness, truth, and goodness are of more value than length of years, than quiet, or success.

Vane had many serious difficulties to contend against, even before a single act of his government was known. The principal persons in the colony had been already gravely prejudiced against him by the extraordinary enthusiasm he had called forth among the great and general body of the settlers : for there is no worse crime than the power of awakening the enthusiasm of multitudes, in the eyes of those who have no such power. The day on which he assumed office saw a formidable party arrayed against him, determined, on no better grounds than this, to embarrass his government at every step. The influences which operated at that early time in the annals of Massachusetts, and particularly disposed the people, always prone to controversy, to be torn and divided by the factions and intrigues which might be set afloat in the young colony, were, of course, favourable to the success of the design.

Nevertheless, in Vane's discharge of the first and most ordinary duties of the station of chief magistrate, he manifested a firmness, energy, and wisdom, truly remarkable in one of his early age and previous history. "He adapted himself," says Mr. Upham, "readily to his situation ; made himself acquainted with the interests and relations of the colony ; and concerted the operations of the government, which, in reference to the Indians, were particularly interesting at that period, with promptitude, skill, and effect." Men of great learning and old experience surrounded him ; but in every measure of resource or ready practical wisdom he rose easily above them all ; while in

and including, in its 6th and 7th volumes, Hubbard's "General History of New England ;" and, lastly, a Life of Vane, as "fourth governor of Massachusetts," by an eloquent and accomplished American writer, Mr. Charles Wentworth Upham, published a few years since in the course of a series of American biographies, and to which I feel most happy in confessing several important obligations. His admirable sketch of the Hutchinson controversy has been, in particular, a great assistance to me.

the intricate and profound discussions that occurred during his administration, embracing as they did the most perplexed questions of theological metaphysics, he bore his part in a manner which at once placed him on a level with the first divines of that age, and well deserved the praise of "wisdom and godliness," which his famous competitor and successor in the government, Winthrop, unreservedly bestowed upon him.*

The announcement of his election had been received with immense enthusiasm by the people; and, to increase the demonstrations of popular satisfaction, a salute was fired by the shipping in the harbour. Fifteen large vessels were at that time in port. Some few days after the firing of this salute, a deputation of the leading men of the colony waited on Vane, and represented to him that the presence of such a large force of foreign vessels was in itself a formidable and disagreeable circumstance in the condition of a feeble settlement, which could not rely on the sympathy of the mother country any more than it could upon the friendship of other powers. Whatever the motives for such a representation may have been, there was justice in it, and this Vane acknowledged at once. It was at least a matter of no doubt with every reflecting person, that the influence of the manners and habits of the officers and men of these ships could not be other than injurious to the morals and social condition of the inhabitants of the town.

A prevention of the evils, therefore, that might have sprung from such a source, was the first act of the government of Vane. Within a week after his election, he took measures to this end, which decidedly illustrate his tact in affairs, and his "skill and success in managing men." He invited all the captains of the ships to dine with him; and, taking advantage of the generous dispositions that are born of a good dinner, laid the whole case before them. The conversation is described to have been conducted with infinite frankness and the

* Upham, p. 109.

friendliest spirit on both sides; and the natural result was, that the captains consented, "readily and cheerfully," to the agreement proposed by Vane, and which ran thus:—First, that all inward bound vessels should come to anchor below the fort, and wait for the governor's pass before coming up to the town; secondly, that, before discharging their cargoes, their invoices should in all cases be submitted to the inspection of the government; and, thirdly, that none of their crews should ever be permitted to remain on shore after sun-set, except under urgent necessity.*

The very next incident of Vane's government furnishes a striking illustration of his own character, no less than of the character of the men he had to deal with, and who were necessarily associated with him in the government. It was in itself of little intrinsic importance, but it afforded the first occasion of active opposition to the young governor.

The mate of an English ship, called the *Hector*, then lying at anchor in Boston harbour, in an excess of loyal indignation because the king's colours were not displayed at the fort (which was not then the custom), declared, one day, on the deck of his vessel, and in the presence of many of the inhabitants of the town, then visiting her, that the colonists were all "traitors and rebels." The expression was quickly communicated from the ship and circulated through the town: a violent excitement against the mate was the immediate and very natural consequence; and so high did it run at last, that it became necessary to take official cognisance of the offence that had provoked it. Vane accordingly sent for the captain of the ship, and, after acquainting him with the affair, despatched a marshal, accompanied by other officers of the law, to arrest the offender. The crew, however, refused to deliver up the mate in the captain's absence; upon which the captain himself accompanied the marshal to the vessel,

* Winthrop's History of New England, Savage's ed., vol. i. p. 187. Upham's Life, p. 111.

when the mate was at once surrendered, and made an ample and satisfactory apology to the civil authorities. But, the dignity of the colony vindicated, another care presented itself to the scrupulous thoughts of governor Vane, scarcely less important than that called forth by the insult so atoned for, since it involved what might possibly be the just and well-grounded feelings of conscientious men.

He had seen that some circumstances connected with the transaction I have just described had been "taken very much to heart" by the general body of officers of British vessels in the port; and he now at once summoned them to a conference with himself and the magistrates of the colony, in which he requested a free expression of whatever had occurred to them. They observed, in reply, with much courtesy and temper, that it was more than likely the circumstances of the recent dispute might be made known to the authorities in England, and represented there in such a manner as to create a prejudice against the colony, and bring its loyalty into suspicion; and that, therefore, as sincere friends of the colony, it would be very agreeable to them could they be enabled to say that they had seen the king's colours flying in Boston.

For the captains, a courteous and fair request, but for the conscience-suffering recusant puritans, a most distressing dilemma! On the one hand, it was clear, as Mr. Upham urges, that for a colony, holding its very being under a charter from the crown, to refuse to acknowledge the king's sovereignty by displaying his flag, and that, too, when it was requested for the purpose of rescuing its loyalty from misrepresentation, would look like a very unreasonable procedure, and almost seem to justify the expressions for which the mate had been humbled and punished.* But then, on the other hand, it would have filled the whole country with horror had the flag been hoisted; for on that flag was represented the PAPAL CROSS, — an abomination no puritan could

* American Biography, p. 113.

bear ; and Endicott himself, one of the leading emigrants, whose daring hand had before torn it from the royal ensign*, was one of the board of magistrates who were so politely requested to hoist that very ensign, cross and all !

A lucky accident seemed to offer the hope of escaping both horns of this dilemma ; they could not hoist the king's flag, for there were no such colours in the whole colony.† The captains, unfortunately, had a resource at hand. They offered to lend or give a set of the king's colours to the colony to be displayed on the occasion. Vane now saw that all chance of evading the question was quite shut out, and urged upon the magistrates the necessity of meeting it fairly and openly. This reasonable answer was accordingly returned, — that although they were fully persuaded that the cross in the colours was idolatrous, yet, as the fort belonged to the king, they were willing that his own flag should fly there.

The conference thus closed, however, was doomed to be re-opened the following day with greater violence. The case and its result had been submitted in the evening to the consideration of the clergy, a practice exacted from the government on all disputed questions, and the proceedings of Vane and the magistrates did not meet their approbation. It was thought a grave error to have sanctioned, upon any terms whatever, the dis-

* American Biography, p. 113.

† Mr. Upham remarks, upon the curious circumstance that not a single royal ensign could be found in Massachusetts in 1636, that it indicates the substantial independence of the colony at that early period. It did not attract the notice, and was therefore out of the reach of the royal power ; and not merely of the royal power, but of the very insignia of that power. The people would not have anything among them which would tend in the least degree to remind them of the hierarchy or the throne. Mr. Upham adds : — " When, in the course of the present year (1834), a British vessel of war arrived in the harbour of Salem, in Massachusetts, and it was proposed, according to international usage, to observe the civility of displaying from the vessel the flag of the United States, and from the town the flag of Great Britain, it was found necessary to borrow colours for the occasion from the British vessel herself. This circumstance was noticed as indicating the absence of all relations between the port of Salem and Great Britain, at the time of its occurrence. A similar indication was given, as just related, in 1636 ; and the inference is more than fanciful ; it is just and obvious, that the actual connection between the colony of Massachusetts and the mother country, at the beginning, was scarcely greater than that of the town of Salem with England at the present day."

play of the king's flag, that badge of Romish superstition, over puritan soil ; and the court was therefore again assembled, and the captains summoned to appear next morning, when the previous minute of the board was reconsidered, and after a stormy debate, a majority of the magistrates voted to refuse what they had granted the day before. Vane now interfered with his authority as governor of the colony ; and in a temperate but earnest remonstrance, after vindicating the strength and purity of his own religious faith, pointed out to the assembled magistrates, that that must be a very far-fetched and excessive scruple, not to say an absurd or capricious one, which would induce them to refuse to recognise the king's authority in his own dominions, on his own fort, by a ceremony innocent in itself, and which was requested for the avowed purpose of preserving peace and harmony, and preventing a misunderstanding between the colony and the people of England, under circumstances that would certainly be highly injurious, and, it was possible, might become even ruinous to the colony. The magistrates, with one exception, remained unmoved by this appeal ; the jealousy of Vane, which had for some time rankled in the breasts of the leading settlers, had now found an outlet ; and even Winthrop, the founder and patriarch of the colony, a man of eminence and excellent dispositions, was induced to place himself at the head of the obstinate objectors. Upon this, Vane, supported only by the magistrate alluded to, Mr. Dudley, announced his determination to avail himself of his privilege as governor, and, under a protest against acknowledging the idolatrous sign upon the flag, to display it from the fort on his own personal responsibility, and that of Mr. Dudley. *

This was the commencement of that hostility to the young governor, which, availing itself not long after of the fury of a theological controversy, ultimately brought his administration to a close. But will it now be doubted, in these days of reason and toleration, which

* Savage's edition of Winthrop, i. 187. Upham's Life.

of the parties were in the right? which course was the fairest, the most just, the most enlightened? It appears to me, that by the light which is thrown on Vane's character, even thus early, by an incident of this sort, we may reduce to fine and eloquent sense many passages in Sikes's tribute to his friend, which have hitherto passed for absurd and incoherent rhapsodies. Two may be quoted here.

"His principles, light, and wisdom were such, that he found the bare relation of his utmost aims amongst his fellow labourers would in all probability so expose him to censure from all parties and sizes of understanding, as would disable him for doing any thing at all. He was therefore for small matters rather than nothing, went hand and hand with them, step by step, their own pace, as the light of the times would permit. He was still for quitting the more gross disorders in church and state, corruptions in courts of judicature, popish and superstitious forms in religion and ways of worship, for what he found more refined and tolerable. But he ever refused to fix his foot, or take up his rest, in any form, company, or way, where he found the main bulk of professors avowedly owning but such outward principles of life and holiness, as to him evidently lay short of the glory, righteousness, and life, hid with Christ in God. He was still for pressing towards the mark. *He was more for things than persons, spirit than forms.* This carriage of his, *all along in New England and in Old*, exposed him as a mark for the arrow from almost all sorts of people, rendering him a man of contention with the whole earth. Yet was he all along a true son of peace, a most industrious and blessed peace-maker to the utmost of his power, *for the reconciling all sorts of conscientious men*, whatever variety of persuasion or form he found them in, to one another and to Christ." Refuting again, in another passage, the common report and "general reproach" that was cast upon Vane, that "he was a man of contention from his youth up, wherever he came or had to do, in

New England or in Old," Sikes thus continues :—" He was no humoursome, conceited maintainer of any perverse or irrational opinions ; but a most quiet, calm, composed speaker forth of the words of truth and soberness, at all seasons, upon all occasions, and in all companies. He was full of condescension and forbearance, hating nothing more in his very natural temper, than wrangling and contention. He would keep silence even from good (though his sorrow was stirred by it, and the fire burned within while he was musing) in case that either wicked or but short-sighted good men were before him, that he perceived could not bear more spiritual and sublimated truths. He became all things to all men, that he might by all means save some. His heart was of a right scripture latitude, stood fair and open for any good, but no evil. *All sorts of conscientious inquirers after truth found a friendly reception with him ; yea, he was in a constant readiness to perform any warrantable civilities to all men. Any thing that was good he owned and cherished, in the honest moral heathen, legal Christian, or spiritual believer ; and he sought opportunity by honest insinuations to ' catch them with guile,' and lead them forward into more excellent truths.*"

In such passages as these, a divinely beautiful character is depicted, and one which the reality will not be found to fall short of.

Vane's great influence with the people of the colony enabled him for some time to withstand effectually the hostility of its chiefs ; and we find that early in July he started on a tour through the towns on the northern and eastern parts of the bay, and made a public entrance into Salem on the 9th of that month, amidst every demonstration of affection and enthusiasm. Mr. Upham states, that he has sought upon the spot in vain for any records of this great event, as no doubt it was considered by the people of that ancient town ; but in their absence he indulges a picture of the scene, as fancy and probability might delineate it.* Such a picture would

* American Biography, p. 118—120.

have little interest for the English reader, uninstructed in the distant locality, but the simple idea which suggests itself to the mind of the general character of a progress such as this of Vane must have been, includes many considerations of interest. We cannot refrain from speculating on the effect likely to have been produced on the extraordinary mind of the chief actor in the pageant, as he moved along the winding streets of a succession of straggling quiet villages, then for the first time perhaps alive and stirring with a great emotion — all eyes gazing — and all hearts excited — as the son of the chief minister of the English king, self-banished from a palace to a wilderness, thus passed along invested with all the power that the dwellers in his chosen exile had to give; “old men and matrons, young women and children of every age, thronging round the door-stones and gathered at the windows,” before which, the procession pursued its line of march; while, through the slight breaks of the surrounding woods, might be caught glimpses of the neighbouring Indians, assembled at intervals to watch the passing show, and gazing at all its strangeness with an interest and wonder but poorly concealed beneath the constrained and sullen silence which resented the white men’s intrusion.

Soon after Vane’s return to Boston, the occurrences which led to what is called the Pequot war commenced of which it is only necessary to observe, that by the influence of Vane, exerted in various ways, many of the Indian tribes were withheld from joining in hostilities against the English. In nothing were Vane’s wisdom and benevolence more strikingly illustrated than in the course of justice and conciliation he invariably pursued towards that noble race of men. We find that on his invitation, on the 21st of October in this year, the Sachem of the Narragansetts came to Boston, accompanied by two sons of Canonicas, Cutshamakin, another Sachem, and twenty other Indians; and that these gallant sons of the forest were treated by governor Vane with marked kindness and attention. They dined in

the same room and at the same table with himself, and after a long and friendly conference, the result was a treaty of peace and amity with the English. When the object of their visit was accomplished, they marched back to their native wilds, having been attended to the borders of the town, at the order of governor Vane, by a file of soldiers, who were instructed to give them at parting the salute of a volley of musketry.*

Meanwhile the religious controversy, to which allusion has been made, raged to an extraordinary extent, and assumed a more and more serious aspect. Before proceeding to its description, it may be as well to state, that in the latter part of the summer letters had been received from Vane's family in England, urgently pressing his immediate return, and that he had laid them before the council, with a request that he might be permitted to resign office. He discerned then, no doubt, to what the religious controversy was fast tending. But such obstacles appear to have been thrown in his way, and especially by the remonstrances of the Boston church, of which he was a member, that he abandoned his purpose and consented to remain in the government.

In describing that fierce religious dispute, the antinomian controversy, which was now suddenly seen raging with a passionate fury throughout the colony that swept away every other interest from the feelings and thoughts of the people, I shall chiefly avail myself of the facts that have been collected with so much knowledge and zeal by the American biographer of Vane.† The few writers who have alluded to it, with the single exception of the latter, in despair of explaining the dispute, have been fond of passing it over as an absurd and unmeaning strife about words, altogether unworthy of the regard of posterity. It is very true that as the controversy grew hot, new points were developed, new aspects of the question presented, and new terms introduced, so that, to a merely superficial

* Savage's edition of Winthrop, i. 198. Upham's Life.

† American Biography, p. 122, 140.

observer, the whole affair might seem at last to have become enveloped in impenetrable clouds of technical phraseology and unintelligible distinctions. But to the wise and studious inquirer it is scarcely necessary to observe, that there has seldom been such a dispute merely about words, or that men have not almost always meant something, and understood what they meant, in matters about which they have been, as in this case, deeply and zealously affected. In the case before us, Mr. Upham truly observes, "principles of the highest consequence were involved, much light was elicited, and a great progress made by some of the parties in Christian knowledge: and it is due to the fame of our ancestors to rescue this controversy from the charge of being a ridiculous and stupid war of words, and to vindicate the claim it justly presents to the character of a dignified and important discussion." It is more especially due to the truth and intelligibility of the picture I am anxious to present, of the character and intellect of Vane.

During his administration, Mrs. Anne Hutchinson, a very remarkable and accomplished woman, arrived from England, and became a member of the Boston church. Her husband was a gentleman of respectable standing; and her brother-in-law, who accompanied her, Mr. Wheelwright, bore a highly estimable character as a Christian minister. "She was possessed of extraordinary talents, information, and energy. Her mind was prone to indulge in theological speculations, and the happiness of her life consisted in religious exercises and investigations. She was perfectly familiar with the most abstruse speculations of the theology of the day. In keenness of perception and subtilty of reasoning, she had no superiors, and her gifts as a leader of devotional exercises were equally rare and surprising." It was the fortune of this singular woman to kindle a religious strife in the infant commonwealth of Massachusetts, which has secured to her name a lasting memory there, and rendered her the heroine of a passage in the

American history, as wonderful and tragical as any it contains.

It was the custom in Boston at the period of her arrival, for the brethren of the church to meet every week for the purpose of impressing still more deeply upon their minds the discourses and other exercises of the previous Sunday. Following out this custom, Mrs. Hutchinson very soon instituted weekly religious meetings for females ; and so attractive and interesting did she make them, that almost all the ladies in the place attended. The exercises were conducted and superintended by Mrs. Hutchinson herself, and it soon followed, as a matter of course, that she exerted a controlling and almost irresistible influence upon the whole community.*

The clergy of the colony, startled at first, were not long in discovering the danger that threatened them. Here was a power suddenly brought to bear upon the religious feelings and views of the people, irresponsible to them, wholly beyond their control, and withdrawing from their reach that very portion of society, which is always, perhaps, the chiefest source of such authority and influence as their's. Of the religious opinions which prevailed generally among these clergy, it will be enough to say, that the doctrines, as professed by the reformed churches, were received with almost unanimous consent by their order throughout New England, while they permitted themselves to regard with very great jealousy and aversion the exercise of free inquiry, whenever it in any way threatened to lead to results different from their own. Their views of Mrs. Hutchinson's particular case were not likely to be propitiated by the very disagreeable comparisons, to say the least of them, which her powers and talents were likely to provoke among the people.

Mrs. Hutchinson, in her turn, was neither wise nor considerate in the style and manner she adopted. To say nothing of the somewhat unbecoming position in which,

* Upham, p. 124.

as a woman, she placed herself, it soon became obvious that one of her great objects in these weekly audiences, was to utter disparaging criticisms upon the discourses of the preceding Sunday or lecture-day, to circulate imputations against the learning and talents of the clergy, and even to start suspicions respecting the soundness of their preaching. Any thing like moderation, where a system of personality has been once adopted, is a thing vainly looked for, and now not a day passed which did not, in the matter of these attacks, add to Mrs. Hutchinson's offences and indiscretions, and tend to drive beyond all fair and reasonable ground, the hostilities of which she had become the object. The ministers, the magistrates, all the leading men in the colony, rose in array against her, and — not confining their animosity to the point on which she was in the wrong, and might easily have been shown to be in the wrong — not satisfied with proceeding against her as a contentious and busy calumniator and disturber of the peace — they imputed to her grossly and openly what was then considered the darkest crime in the catalogue of depravity, and demanded against her criminal penalties of the deepest dye. She was a HERETIC, they said, and must be crushed by the punishment due to heresy. At this point Vane interfered — the ever gallant and generous defender of the rights of faith and conscience — and a sharp religious controversy was soon fairly developed, which of course led to crimination and recrimination, "introduced innumerable questions of doubtful disputation, and finally wrapt the whole country in the raging and consuming flames of a moral and religious conflagration." *

The real and substantial points at issue, in the discussion of the truth or falsehood of her doctrines, shall now be laid before the reader, apart from the cloud of words and (not to speak it irreverently) cant phrases which enveloped them. Mrs. Hutchinson's opponents were doubtless the aggrieved parties, and might as surely have

* Upham, p. 127.

kept that vantage ground ; but they surrendered it when they chose to impugn her doctrines rather than her conduct ; and it is no matter of difficulty to us, profiting by the diffusion of the blessed principles of religious liberty and toleration, to determine on which side of the controversy truth and justice lay. Vane and Mrs. Hutchinson were far in advance of their age.

One of her favourite topics ("whether selected with a design, at the beginning, of diminishing the confidence of the people in their ministers cannot now be determined"), on which in her weekly meetings she dwelt very often and very largely, was the proposition, that the existence of the real spirit of the Gospel in the heart of a man, even if that man should happen to be a minister of extraordinary gifts, could not be inferred with certainty from the outward displays of sanctity. She simply paraphrased, in fact, the language of the apostle, who hath told us that a man may speak with the tongue of angels, and have the gift of prophecy, and understand all mysteries and all knowledge, and have all faith so as to remove mountains, and bestow his goods to feed the poor, and give his body to be burned, and still be nothing in a religious and spiritual view. The Saviour himself hath said that men may prophesy and cast out devils, and do many more wonderful works in his name, and be rejected and disowned by him at last.

But it was soon suspected, and it is to be feared, says Mr. Upham, "upon too good grounds, that Mrs. Hutchinson was aiming at a particular object in dwelling so pointedly and so much upon this proposition. And when it once became a prevalent opinion that she was actuated by personal designs, it can be easily conceived how intolerably provoking her discourses must have been. It was a period of great formality and austerity in religion. The outward manifestations of piety were much greater than they have been since. Every minister and every professor of religion was expected to give evidence in his whole manner of life, in his most familiar conversation, in his movements, dress, countenance, and even in

the tones of his voice, that he was not of the world. It followed of course — it would have been unjust had it not — that the evidence thus demanded by public opinion was very much relied on by the people. The praise of holiness and spirituality was freely and confidently bestowed upon the sanctimonious and austere. But Mrs. Hutchinson's doctrine cut up the whole matter by the roots, destroyed the very foundation upon which her reputation had been made to rest, poisoned the fountains of confidence, and, in consequence of the personal and satirical design imputed to her, had a direct tendency to make men suspect of hypocrisy all whom they had before been disposed to revere for their piety.* Most true is all this, and most grave and difficult of answer must have been a charge founded on improprieties of conduct which were evidently fraught with mischief to many of the best interests of the colony*, but such a charge would

* In such a state of society as these colonies presented, it was beyond every thing expedient to impress the people with an implicit veneration and respect for their ministers, and this had been done to a degree altogether unreasonable and excessive, and far beyond the point to which it was really and justly merited by that, on the whole, pious and excellent class of men. To have gone against Mrs. Hutchinson for disturbing, as it were, this necessary equilibrium in the government, would have been the wise course, and in the main impossible of resistance; but the accusation of heresy, on the other hand, raised up defenders of her doctrines everywhere throughout the colony, among people even who understood them least, and carried agitation and division into every church and family throughout the province. Mr. Upham gives the following extract from a pamphlet entitled, "A short Story of the Rise, Reign, and Ruin of the Antinomians, Familists, and Libertines, that infected the Churches of New England;" and ascribed to a clergyman (the Rev. Thomas Weld, of Roxbury) of great influence at the time. It conveys some idea — though of course a partial one — of the form in which the controversy was conducted, the origin of the difficulty, the charges alleged against Mrs. Hutchinson and her followers, and the spirit of the parties: — "But the last and worst of all, which most suddenly diffused the venom of these opinions into the very veins and vitals of the people in the country, was Mistress Hutchinson's double weekly lecture, which she kept under a pretence of repeating sermons, to which resorted sundry of Boston and other towns about, to the number of fifty, sixty, or eighty at once; where, after she had repeated the sermon, she would make her comment upon it, vent her mischievous opinions as she pleased, and wreath the Scriptures to her own purpose; where the custom was for her scholars to propound questions, and she (gravely sitting in the chair) did make answers thereto. The great respect she had at first in the hearts of all, and her profitable and sober carriage of matters, for a time, made this her practice less suspected by the godly magistrates and elders of the church there, so that it was winked at for a time, (though afterwards reproved by the Assembly and called into court), but it held so long until she had spread her leaven so far, that, had not Providence prevented, it had proved the canker of our peace, and ruin of our comfort. These opinions being thus spread, and grown into their full ripeness and latitude, through the nimbleness and activity of their fomenters,

not satisfy her unwise opponents, who, eagerly seizing a remote and very false pretext for the accusation of heresy, prosecuted her for maintaining (to use the formal terms in which the complaint was laid) that "*sanctification is no evidence of justification.*"

Never was the natural tendency of angry disputants to push each other to extremes so fully exemplified as on this occasion. From the proposition that the outward expressions of sanctity are not infallible evidences of the inward residence of the Christian spirit, Mrs. Hutchinson was driven to speak disparagingly of external and visible morality, and her opponents, on the other hand, to assign too high a value to it; until at last the two watchwords or countersigns of the controversy became,

began now to lift up their heads full high, to stare us in the face, and to confront all that opposed them. And that which added vigour and boldness to them was this, that now by this time they had some of all sorts and quality, in all places, to defend and patronise them; some of the magistrates, some gentlemen, some scholars and men of learning, some burgesses of our General Court, some of our captains and soldiers, some chief men in towns, and some men eminent for religion, parts, and wit. So that, where-soever the case of the opinions came in agitation, there wanted not patrons to stand up to plead for them; and if any of the opinionists were complained of in the courts for their misdemeanors, or brought before the churches for conviction or censure, still some or other of that party would not only suspend giving their vote against them, but would labour to justify them, to side with them, and protest against any sentence that should pass upon them, and so be ready not only to harden the delinquent against all means of conviction, but to raise a mutiny, if the major part should carry it against them; so in town meetings, military trainings, and all other societies, yea, almost in every family, it was hard, if that some or other were not ready to rise up in defence of them, even as of the apple of their own eye. Now, oh their boldness, pride, insolency, and alienations from their old and dearest friends; the disturbances, divisions, contentions they raised amongst us, both in church and state; and in families, setting division betwixt husband and wife! Oh the sore censures against all sorts that opposed them; and the contempt they cast upon our godly magistrates, churches, ministers, and all that were set over them, when they stood in their way! Now the faithful ministers of Christ must have dung cast upon their faces, and be no better than legal preachers, Baal's priests, popish factors, scribes, pharisees, and opposers of Christ himself! Now they must be pointed at, as it were with the finger, and reproached by name. Such a church-officer is an ignorant man, and knows not Christ; such a one is under a covenant of works; such a pastor is a proud man, and would make a good persecutor, &c. Now, after our sermons were ended at our public lectures, you might have seen half a dozen pistols discharged at the face of the preacher (I mean, so many objections made by the opinionists in the open assembly against the doctrine delivered, if it suited not their new fancies), to the marvellous weakening of holy truths delivered. Now you might have seen many of the opinionists rising up, and contemptuously turning their backs upon the faithful pastor of that church, and going forth from the assembly when he began to pray or preach." See, also, *Baxter's Life*, i. 74., and *Somers's Tracts*, vii. 109.

in theological phrase, *a covenant of faith*, and *a covenant of works*.*

Nor was this all. Mrs. Hutchinson availed herself of some points of difference between the two ministers of the Boston Church, Mr. Cotton and Mr. Wilson; and either because there was a corresponding peculiarity in the preaching, or by an adroit stroke of policy aimed at securing the support of the most powerful minister in the colony, this ingenious and extraordinary woman used to explain what her distinguishing principle was, by saying that Mr. Cotton preached a covenant of faith, but that Mr. Wilson and the other ministers were under a covenant of works. The result may be easily imagined. Mr. Cotton, whether from a motive of flattered vanity, or sincere preference, continued Mrs. Hutchinson's faithful and zealous champion till she left the province, while Mr. Wilson and the other ministers, not caring to confine their rage within the bounds of a decent or Christian propriety, went about inflaming the people with the most dreadful invectives against their antagonist, and impressing upon them, in many instances not without success, that such blows aimed at their ministers inflicted a serious stain on the character of their parishioners.

One other opinion fastened on Mrs. Hutchinson in the course of the controversy, and this the most important, as it was the most alarming to the faith of the churches, remains to be explained. She was charged with entertaining the doctrine that "the Holy Spirit dwells in every believer." She held, that by the expression Holy Spirit, or Holy Ghost, as used in the scriptures, is meant such an actual communication of the Spirit of God to the believer's heart, that it becomes the abode of those sentiments of love, truth, purity, and piety, which bear the impress of a divine source, and constitute those who experience them sons of God, as partakers of the divine nature, and one with God, as the Saviour was one with him. As this idea was sifted during the course of the controversy, it became apparent

* American Biography, p. 136.

that it would necessarily end in the belief that the Holy Spirit was not so much a divine person as a divine influence; and the dread which was entertained of such a consequence increased very much the general impatience to bring the controversy to a close as speedily as possible, by putting down Mrs. Hutchinson with the strong arm of law. Winthrop, in his journal, tells us, that "the question proceeded so far by disputation (in writing, for the peace's sake of the church, which all were tender of), as at length they could not find the person of the Holy Ghost in Scripture, nor in the primitive churches, three hundred years after Christ."*

Mr. Upham very truly observes, that it is important to connect this latter, and more formidable proposition, with Mrs. Hutchinson's views of the worth of outward expressions of sanctity. They seem to explain each other, and to interpret jointly that elemental system of faith which the modern term of Christianity will perhaps best comprehend, and which, however unpalatable to a formal and sanctimonious condition of society and manners, would provoke no hostility from enlightened Christians now, of whatever denomination. Mrs. Hutchinson believed, in fact, that it was the dwelling of the Holy Spirit in the believer's heart; that is, the possession and exercise of the pure and genuine and divine spirit of Christianity in the soul itself; which constituted *justification*, or made a person acceptable to God: that the external and formal indications of piety, or *sanctification*, might appear where this inward spirit was not experienced and that, in such cases, they were utterly worthless; and lastly, that the great end of the religion revealed in the scriptures was not so much to make our conduct sanctimonious, our outward deportment correct, or to bring us under a covenant of works, as to include us under a covenant of grace, by imparting to our souls the Holy Spirit of God.

A discussion which embraced the truth or falsehood of such doctrines as these, could not but be felt of serious

* Savage's edition of Winthrop, i. 206.

importance by a man of Vane's pure mind and lofty character — for in fact, considered thus, the questions at issue embraced the primary and essential principles of Christianity, and under one form or other, have constituted the leading topics of investigation and debate in every age of the church, from the gathering of the first general councils in the primitive centuries up to the present hour. It is useless to attempt to ridicule the "Hutchinsonian or antinomian discussion," or to express astonishment that "men of sense and learning could ever have been engaged in it." Many of the doctrines it implied were the ruling principles of the life and the faith of Vane, and it is by the affected contempt of such things that his intellect and character have hitherto suffered in the shortsighted estimation of our historians. Let me pause for an instant to prove this to the reader.

Sir Henry Vane the younger was, in the only true and comprehensive sense of that word, a Christian. A master of all the abstrusest points of the science of religion, his intellect and frame of mind were of that enlarged description, that, while he held his own views in a high and spiritual sense, "he sought to imbibe truth from every system of faith and every form of religion." "Christian faith was not to him a mere intellectual and barren system of speculative opinions; not one article of faith was permitted to be of that character in his mind. But around every doctrine of Scripture his noble genius, exuberant imagination, and hallowed affections gathered a living and life-giving spirit of warmth, and love, and energy." He was a zealous man; but knowledge regulated his zeal, and charity tempered it. He was called a fanatic, because he was the most strenuous advocate that religious liberty ever possessed. He was called a wild unintelligible visionary, because through life he never ceased to urge, with all the strength of his passions and the subtlety of his intellect, a **UNIVERSAL TOLERATION** of sects and opinions. It was his profound and all-wise maxim, whether in civil or reli-

gious polity, that every one should be perfectly free, and every one perfectly equal, in the eye of the law. All exclusive privileges, whether of church or state, he utterly abhorred; and equally did he abhor every form of bigotry or persecution, whether "exercised by political or ecclesiastical institutions, by societies or individuals;" while of all these principles he emphatically proved the sincerity by carrying them out into practice, "without partiality or exception, even when their operation was in favour of those whose sentiments he most disliked." For, dreading the power of the pope, great in that day, and opposed to the Church of Rome, he yet flung all his energies into the support of Catholic emancipation, careless of the rage of his Protestant contemporaries, and of the denunciations of Richard Baxter himself: nor be it ever forgotten, that when John Biddle, the founder of the denomination of Unitarian Christians throughout England, was arraigned for publishing his opinions, the younger Sir Harry Vane, the enthusiastic champion of the Genevan Calvinists, stepped forth in his defence, and laboured with untiring zeal to protect him from the blind intolerance of the age.* To the last hour of his life, as through all its changes and vicissitudes, he maintained the same faith which in her days of danger and persecution threw its shield before Mrs. Hutchinson.

Observe the following description of the divisions and conflicting parties in Christendom, which is quoted by Sikes from one of Vane's religious essays. "There are many churches in the world, that make a profession of the name of Christ, under several forms and denominations, according to the variety of judgments, and interests of the rulers and members thereof. There

* Upham's Life. Orme's Life of Baxter, i. 82. Toulmin's Life of Biddle, 33; and see the 13th and 18th volumes of that admirable periodical, the Monthly Repository, pp. 257. and 347., which now, under the accomplished management of Mr. Leigh Hunt, a writer of genius, and the most christian-hearted of men, sustains the reputation it acquired under the editorship of one of the most eloquent and philosophical writers of the day, the Rev. Mr. Fox.

is a church called catholick or universal, headed by the pope, who pretends to be Christ's vicar. There are also national churches, headed either by a civil magistrate, as the church of England, or by general assemblies, as the church of Scotland hath been, with other reformed churches. There are also particular, independent, congregational churches, distinguishing themselves into a variety of sects, and diversity of judgments and opinions, as well about the way and order of the word in matters of worship, and the service of God, as in what they hold fundamental in matters of faith. These all make up one body, as to the owning and upholding a church in some outward visible form, who, notwithstanding all their differences, and protestings against one another, do generally agree together in one mind, *as to the pre-ferring of the church in name, show, and outward order, before what it is in spirit and truth*, as it is the real and living body of Christ. Hence it is, that the true church indeed, the very living, real, spiritual, members of Christ's body, have been for many hundred years a dispersed, captivated people, under all worldly powers, civil or ecclesiastical, and never been suffered to use or enjoy a freedom in their communion together, and in the purity of God's service and worship; but are upon one pretence or other, restrained by humane lawes, and suppressed as hereticks, schismaticks, fanaticks, and such as turn the world upside down; while those that have the repute and credit to be the church or churches of Christ, under some one of the formes, and outward orders before mentioned, have the powers of the world on their side, and are contending one with another, who shall be uppermost, and give the rule of conformity in doctrine, worship, and church order, to all the rest, *by compulsion and persecution!* But the days are now hastening apace, wherein the living members of Christ's body shall be made manifest, in distinction from all those that have the name to live but are dead." *

* In another passage of a similar kind the same faith receives emphatic illustration: — "These keen concisionists, that cannot afford a good word

I have described this great statesman's faith as that of UNIVERSAL TOLERATION. Not to Christian sects and professors alone did he extend his charity, but to men of all opinions, and all religions, to the "honest moral heathen" as we have seen his friend Sikes express it, no less than to the "legal Christian." And he did this because Christianity was with him a spiritual religion, the vital essence of which can live in the hearts of its followers alone. To him the substance of true religion was moral and spiritual excellence; and, wherever he could find that, wherever that appeared, whether in the minds and characters of Gentiles or of Jews, he recognised a fellow Christian, although its possessor lived in an age or country which had not known or heard of the very name of Christ. Men enrolled in the same political struggle with himself would ask him the meaning of such latitudinarian backsliding, and were answered by the startling, but most noble question—How dared he to exclude the heathen from his charity, since in doing that he might shut out those whom Christ, the great head of the church, would possibly, at the final day, acknowledge and welcome as his own? Let the reader take to his heart the following divine passage of the "*Retired Man's Meditations*," a work which will be described hereafter. "But, indeed, this assertion is so far from straitening or lessening the number of those that are the true heirs of salvation, that it rather discovers how they may lie hid, as they did in Elijah's time, out of the observation of visible professors (*AMONGST THOSE THAT THEY EXCLUDE AS HEATHENS*), and *be comprehended by Christ*, their spiritual head, when as yet they may not have their spiritual senses brought forth into exercise, so as to *apprehend him*; but may be babes in Christ, walking as men, undistinguished from the rest

for the true circumcision, are eager about the outward circumstances of worship, time, place, and the like. Christ reproves them in his answer to the woman of Samaria, at Jacob's well; 'neither in this mountain, nor at Jerusalem, shall ye worship the Father, but in spirit and in truth.' Neither in this form nor that, but excluded out of all synagogues has the true church and spouse of Christ been worshipping God this twelve hundred years and upwards, in a mourning persecuted wilderness condition."

of the world. And although they may, in that respect, *seem to be men in the flesh, yet they may live according to God in the spirit, and find acceptance in the beloved one;* whilst they themselves may either be WITHOUT LAW, EXERCISING A CHASTE NATURAL CONSCIENCE, or may be under the law, believers so zealous of the law, as to flie in the face of Paul himself, for witnessing a higher light than they have yet experience of, or can bear." *

And as these principles guided him when his life began, and through all the hard years of his public struggles sustained him, so, in the hour of death they were his comfort and refuge. "Whatever you do," he said to his children on their last interview with him in the Tower, the evening before his execution, "whatever you do, be not conformed to this world, in the spirit, way, principles, affections, no, nor religion thereof. Amidst the great variety of churches and wayes of worship that this world abounds with, be not by any means induced or forced to observe and become subject to the ordinances of man, in things pertaining unto God. Give unto God the things that are God's. Give also unto Cæsar the things that are his. If he unlawfully require more, do you lawfully refuse to obey him. Let him then take his course ; wherein any deal proudly, God will be above them. If one church say, ' Lo, here is Christ ; ' another, ' Lo : There ! ' and the trumpet that's blown in both give but an uncertain sound, look up to Christ himself with the spouse in the Canticles, and say, ' O thou, whom our souls do love, tell us where thou feedest, and makest thy flock to rest at noon, under the scorching heat of man's persecuting wrath.' If rightly sought to and waited on, he will by his spirit infallibly direct you to the true shepherds' tents ; to those spiritual pastors and assemblies that walk in the footsteps of his ancient flock, even in the faith, spirit, and way of Abraham. . . And, as I would have you to quit all false churches, whatever curious dress, insinuating appearance, or refined form they shine forth in, so, much more yet, would

* Retired Man's Meditations, 4to., 213.

I have you to loathe and depart from all manner of prophaneness and common debauchery, whatever countenance or encouragement it may have round about you in the land of your nativity!"* Through the prison walls that then encompassed Vane, the barbarous dissonance of Bacchus and his revellers had already reached, even as it pierced the blind solitude that compassed Milton round!

Vane's advocacy of Mrs. Hutchinson, then, was only in accordance with the principle which governed every passage in his life; it was no "working and unquiet fancy," as Clarendon describes it, nor humour of "young inexperience," as better friends to truth than Clarendon have been induced to urge: it was, simply, the result of those settled philosophical convictions which, thus early developed, remained with him his whole life after, that forced Vane into the front rank of this religious controversy, as the chief friend and supporter of the remarkable woman with whom it originated. He espoused her cause, and defended her with all the warmth and enthusiasm of his own character.†

So supported, and with the additional aid of the Rev. Mr. Cotton's zeal, Mrs. Hutchinson for a time held equal ground with her enemies. But as the contest proceeded,

* I shall have to return to this affecting address, which there is reason to suppose was taken down by Sikes, at the moment of its delivery. He appears to have been the only person present besides the family of Vane.

† I need scarcely add, that, supposing his opinions had been less in accordance, or even utterly at variance, with her own, he would yet have been bound, by his theory of non-interference in matters of religious belief, to take part with her against her prosecutors. "He was always," says his friend Sikes, "against the exercise of a coercive magistral power in religion and worship; because of the single rule, power, and authority that Christ himself claims, as his peculiar prerogative, in and over the hearts and consciences of all men. How grossly inconcinuous must it needs appear even to the common reason of all mankind, that such as take upon them to be magistrates and rulers, whether the people will or no (as it often falls out) yea, or though freely chosen, should give the rule to all others' consciences, in point of religion, when they many times have no religion at all in themselves, nor any other conscience but a dead or feared one, hardened in the most brutish vilenesses that the basest of men can be guilty of. But if the magistrate do plausibly pretend to something of religion, what a changeable thing will religion be at this rate! as fickle as the magistrate's judgment, at least, as his person, for the next ruler may be of another persuasion: as this nation hath experienced off and on, between popery and the protestant profession, in Henry VIII., Edward VI., and in the two queens, Mary and Elizabeth."

the proportion of numbers turned out heavily against her. The celebrated founder, father, and first governor of the colony, Winthrop, conducted the opposition ; and was supported with the hottest zeal by Mr. Wilson and all the other ministers of the country, by all the churches but that of Boston, and by a considerable and very active minority there. With every day that passed, her position, including that of her supporters, became more and more dangerous. She had provoked, in all its most fearful fires, the *odium theologicum*, and it burnt with an equal fury against all who dared to countenance or to tolerate the opinions she was charged with holding.

The crisis arrived at last. The day of the annual election came round ; and the party always hostile to Vane, reinforced in strength and numbers by the party whose hostility he had brought down in his support of Mrs. Hutchinson, all assembled, and massed themselves together at the appointed place and time. A terrible storm of excitement was the result. Among other notable circumstances, the Rev. Mr. Wilson clambered up into a tree, and harangued the electors in a speech which, as it is described, could surely never have been endured in those grave times, and in one of his calling, except during the prevalence of a most engrossing and almost maddening excitement. The end was, that Winthrop was elected governor, and Vane, and all Vane's friends, left out of office.

The Boston people, ever devotedly attached to Vane, at once declared their unmoved confidence and faith in him by electing him, with others of his most zealous friends, to represent them in the general court. More passionate than discreet, the Winthrop party in the assembly pronounced the election void. The people of Boston, spirited and independent then as they have been ever since, with indignation at such a gross outrage on their rights of suffrage, returned the same men back to the house, by a new election, the very next day. The successful party, meanwhile, once seated in the colonial government, lost not a day in beginning in fearful

earnest to put down *by main force* the Hutchinsonian heresy, and to cut off for ever all means of its further growth. The first step taken with this view was a startling one, — no less than to prevent, by absolute means, the introduction into the colony of persons who were at all likely to favour Mrs. Hutchinson or her doctrines. Many such persons being expected to arrive from England about that time, a law was passed which imposed a heavy penalty upon any person who should receive into his house a stranger coming with intent to reside, or let to such an one a lot or habitation, without, in every instance, obtaining particular permission of one of the standing council, or two of the assistant magistrates ; and, by the same act, a large fine was to be levied upon any town which should, without such permission, allow strangers a residence.

A grosser violation of the rights of the colonists, considered in the abstract, could not be imagined than under such a law as this. Vane at once declared against its injustice and enormity, and appealed to the people. The inhabitants of Boston, with whom his influence always bore its natural and fair proportion to their own independence, took up the matter so warmly, that they refused to meet governor Winthrop, after the usual customs of respect, when he entered the town on his return from the session of the legislature ; and, at last, the public mind generally, and in all parts of the colony, showed so much discontent on the subject of the law, that governor Winthrop was driven to the necessity of a formal public appeal in its behalf and his own. A warm controversy ensued, in which Vane was his chief and most formidable opponent.

This discussion is only to be alluded to here in so far as it illustrates the character of Vane as a statesman, so long misunderstood, and, by writers of English history, so unjustly handled. It is in proof, during its progress, that he was the first to declare at this early period of his life, and at the greatest personal hazard, that the theory on which New England had been

planted and was proposed to be maintained, was absolutely visionary and impracticable. We shall find always, in the course of this memoir, that he whose wildness and enthusiasm are the favourite topics of the history of the time was, in strict truth, the most clear-headed and the most practical of politicians. He could never understand what was meant, as applied to the case of New England, by a settlement of religious liberty in a peculiar sense alone, and subject to conditions which destroyed it in fact.* He held that they who in a large

* The best statement of the case in that view, and the most enlightened defence of Winthrop's policy, are given by Mr. Upham. We quote it in justice to both parties:—"In their own country they were oppressed and in various ways afflicted in the exercise of their consciences, and in the expression and enjoyment of their own religious principles and way of worship. They saw no prospect of a remedy, because it was then universally supposed, that, in order to live in peace and liberty, Christians must agree in sentiment and speculation. Such an agreement was manifestly impossible in the Old World. They were therefore led to conceive the plan of withdrawing from Christendom into a wilderness beyond the ocean, where, without disturbing others, they themselves might enjoy 'freedom to worship God.' It did not occur to their imaginations that any, besides those who sympathised with them in views and feelings, would voluntarily join them in encountering the perils of the deep, and the sufferings of a new settlement, on a foreign and savage shore. It was their solemn and most sacred purpose to rear up their children in the faith they cherished; and they rejoiced in having, as they thought, devised a scheme of society, in which, far removed from all who differed from them, they might enjoy their own institutions and profess their own principles, without giving or suffering molestation, and free from all division or dissent. But, without considering the difficulty of excluding persons of discordant opinions, coming from abroad, it was utterly in vain to attempt to bring any system of education to bear with such complete effect upon a whole people as to prevent difference of opinion among their descendants. It was however a beautiful vision, and, upon the whole, very creditable to those who indulged it. While we cannot lament that it failed of being realised, it is impossible not to sympathise with our fathers in the disappointment they so bitterly experienced, when, after all their sacrifices, and toils, and privations, and sufferings, and before they had got comfortably settled in their new abode, they discovered, to their amazement, that they had not escaped the differences and dissensions which they so much dreaded. It seemed hard, that, after having left Christendom, country, and home itself, and effected a lodgment in a far-off wilderness, where their only hope was a peaceful harmony of opinion, beyond the reach of oppression, and rescued from all temptation to oppress,—it was indeed hard to be pursued and tormented by those very disputes which they had sacrificed their very all to avoid. It ought not to be wondered at, as a strange or inconsistent thing, that they used every effort to drive from their territory those who advocated discordant opinions, and that they employed every device to prevent their introduction. In so doing they did not violate, but on the contrary fully acted out the principles, upon which they emigrated to America, and planted the colony. The law to which we have just referred [the law described in the text] was but an expression of those principles, and indicated the only probable policy by which they could be developed and preserved."

society had contended for the rights of conscience, when they were themselves sufferers, could not upon any pretext, in a society however small, turn against others, and, upon points of speculative difference, violate *their* rights of conscience, because they had acquired the power and the opportunity to do it. The result proved Vane to have been right. He had hit the true principle of religious liberty which, in its great and comprehensive wisdom, never dawned upon the minds of the first planters of New England; and he was the first English statesman to declare and to act upon that principle up to its very fullest extent. He heralded the way for Milton, for William Penn, for Locke, for the great Fox, and for his noble descendant (in our own time, the most generous and constant asserter of the rights of conscience) Lord Holland.*

A few extracts from Vane's answers to Winthrop will satisfactorily establish this. The latter having issued an elaborate "Defence of an Order of Court made in the year 1637," explaining its "intent" and illustrating its "equity," Vane at once published a reply under the title of "A brief Answer to a certain Declaration, made of the Intent and Equity of the Order of Court, that none should be received to inhabit within this Jurisdiction but such as should be allowed by some of the Magistrates."

The introduction of Winthrop's argument consisted of the following definition of a "common weale or body politick," such as the colony of Massachusetts was:—
"The consent of a certain company of people to cohabit together under one government, for their mutual

* As this volume is passing through the press, lord Holland's signature again appears alone to one article of a protest on the subject of religious liberty, which appears to me to condense into a few words, its most comprehensive principles. His lordship protests against the municipal officers' Declaration Bill (as he had ten years before protested against the bill it proposed to remedy the defects of) because he "cannot directly or indirectly sanction the opinion, that any particular faith in matters of religion is necessary to the proper discharge of duties purely political or temporal." A collection of lord Holland's protests would be an invaluable text book of statesman-like reasoning, of pure constitutional doctrine, and of the most generous and ennobling sentiments.

safety and welfare." To this, however Vane decisively interposes a mention of the restrictions which limit so convenient a definition, and render it by no means so apt a plea for the arbitrary legislation of such a "government." He reminds Winthrop that his definition is at the best but a description of a commonwealth at large, and not such a commonwealth as this (as is pretended), which is not only CHRISTIAN, but dependent upon the grant also of our sovereign; for so are the express words of that Order of Court to which the whole country was required to subscribe. "Now," he continues, "if you will define a christian commonwealth, there must be included such a consent as is according to God; a subjecting to such a government as is according to Christ. And if you will define a corporation incorporated by virtue of the grant of our sovereign, it must be such a consent as the grant requires and permits, and in that manner and form as it prescribes, or else it will be defective. The commonwealth here described [in Winthrop's definition] may be a company of Turkish pirates, as well as Christian professors, unless the consent and government be better limited than it is in this definition; for, sure it is, that all pagans and infidels, even the Indians here amongst us, may come within this compass. And is this such a body politic as ours? Our commonwealth we fear, would be twice miserable, if Christ and the king should be shut out so. Reasons taken from the nature of a commonwealth not founded upon Christ, nor by his majesty's charters, must needs fall to the ground, and fail those that rely upon them. *Members of a commonwealth may not seek out all means that may conduce to the welfare of the body, but all lawful and due means*, according to the charter they hold by, either from God or the king, or from both. Nor may they keep out whatsoever may appear to tend to their damage (for many things appear which are not), but such as, upon right and evident grounds, do so appear and are so in truth."

Winthrop had insisted very strongly on the following

argument as decisive in his favour. "The churches take liberty (as lawfully they may) to receive or reject at their discretion; yea, particular towns make orders to such effect; why then should the commonwealth be denied the like liberty, and the whole more restrained than any part?" To this Vane replied, in the true spirit of the great founder of Christianity: — "Though the question be here concluded, yet it is far from being soundly proved; yea, in truth, we much wonder that any member of a church should be ignorant of the falseness of the ground work upon which this conclusion is built; for, should churches have this power, as you say they have, to receive or reject at *their* discretion, they would quickly grow corrupt enough. *Churches have no liberty to receive or reject at their discretions, but at the discretion of Christ.* Whatsoever is done in word or deed, in church or commonwealth, must be done in the name of the Lord Jesus. Neither hath church nor commonwealth any other than ministerial power from Christ, who is the head of the church, and the prince of the kings of the earth. After that Cornelius and his company had received the Holy Ghost, whereby the right which they had to the covenant was evidenced, it is not now left to the discretion of the church, whether they would admit them thereunto or not. But can any man forbid them water? saith Peter. He commanded them to be baptised. There is the like reason of admission into churches. When Christ opens a door to any, there's none may take liberty to shut them out. In one word, there is no liberty to be taken, neither in church nor commonwealth, but that which Christ gives, and is according unto him." Carrying out these noble and exalted views Vane thus described what ought to be, by statesmen, the proper treatment of heretics. "As for scribes and pharisees, we will not plead for them; let them do it who walk in their ways; nor for such as are confirmed in any way of error; *though all such are not to be denied cohabitation, but are to be pitied and*

reformed. ISHMAEL SHALL DWELL IN THE PRESENCE OF HIS BRETHREN."

Then towards the conclusion of this very striking pamphlet he sums up his argument in these words: — "This law we judge to be most wicked and sinful, and that for these reasons: — 1. Because this law doth leave these weighty matters of the commonwealth, of receiving or rejecting such as come over, to the approbation of magistrates, and suspends these things upon the judgment of man, *whereas the judgment is God's*. This is made a groundwork of gross popery. Priests and magistrates are to judge, but it must be according to the law of God. **THAT LAW WHICH GIVES THAT, WITHOUT LIMITATION, TO MAN, WHICH IS PROPER TO GOD, CANNOT BE JUST.** 2. Because here is liberty given by this law to expel and reject those which are most eminent Christians, if they suit not with the disposition of the magistrate; whereby it will come to pass that Christ and his members will find much worse entertainment amongst us than the Israelites did amongst the Egyptians and Babylonians, than Abraham and Isaac did amongst the Philistines, than Jacob amongst the Shechemites; yea, even than Lot amongst the Sodomites. *These all gave leave to God's people to sit down amongst them*, though they could not claim such right as the king's subjects may. 'Now that law, the execution whereof may make us more cruel and tyrannical over God's children than even these, must needs be most wicked and sinful.'"

The profound and generous spirit of these passages, the force and beauty of their scripture illustration, cannot be admired too highly. But Winthrop, strongly supported by the most powerful influences in the colony, was enabled to hold his ground, and Vane, baffled in his best hopes and purposes, resolved for England.*

* "He had not been long in New England," says his friend Sikes, "before he ripened into more knowledge and experience of Christ, than the churches there could bear the testimony of. Even New England could not bear all his words, though there were no king's court or king's chapel. Then he returns for Old England."

He took his passage in August, 1637, not "fain to steal away by night" as Baxter would have it, but openly, nay with marks of honour from his friends which even his enemies were obliged to take part in, and accompanied by the young lord Ley, son and heir of the earl of Marlborough, who had come over a short time before to see the country. A large concourse of the people of Boston attended him with every form of affectionate respect, to the vessel's side, which he ascended amidst the strongest demonstrations of love and esteem for his person, and admiration for his character and services. A parting salute was fired from the town, and another from the castle; and as he sailed from the shores of New England, he left behind him a name which, as years went on, became more and more endeared to the people; a name which is venerated there to this day; and gives a kind of religious interest to the small house in Boston which is still pointed out as one of his places of residence with an honorable gratitude and pride.*

Nor did Vane's interest in America, any more than the better influences of his character and name, pass away with his passage from her shores. During the remainder of his life, through all its power, and all its suffering, he forgot not her. By his aid, when governor of Massachusetts, the famous Roger Williams had succeeded in obtaining a deed of Rhode Island from the native princes, and one of his first acts after his return to England, was to exert himself to procure the first charter of that colony. "It was not price and money," says that most celebrated puritan, "that could have purchased Rhode Island, but it was obtained by love, — that love and favour, which that honoured gentleman,

* Mr. Upham tells us that "Governor Vane's house stood, as we are informed by Hutchinson (i. 55., note), on the side of the hill above Queen Street," between the sites of the houses of Mr. Jonathan Phillips, and the late Mr. Gardiner Greene. On his departure from America, he presented the estate to Mr. Cotton, in whose family he had resided, and with whom he had formed a "great friendship," founded upon sympathy of opinions and congeniality of spirit. It has been supposed that Sir Henry Vane assisted Mr. Cotton in preparing the "Abstract of the Laws of New England," published at London, in 1641. — *Hist. Coll.* v. 172. note.

sir H. Vane, and myself had with the great Sachem, Miantonomo, about the league which I procured between the Massachusetts English, and the Narragansetts in the Pequot war. This I mention, as the truly noble sir H. Vane had been so good an instrument in the hand of God, for rescuing this island from the barbarians, as also, for procuring and confirming the charter, that it may be recorded with all thankfulness." * And not in words alone did Roger Williams exhibit his gratitude ; he gave more solid and enduring proofs of it in carrying out Vane's own great principles of religious liberty, in the settlement of the colony of Rhode Island, which soon presented, single and alone, faithful among the faithless, the grand example of Christian toleration in its only complete and wise aspect, as applied not only to Christians but to all men, of whatever religion or form of faith. Deep was the interest Vane thenceforth took in that colony, and when, in long after years, at the very busiest and most anxious period of his public life, he had received reason to suspect that something of a contentious and intolerant spirit was stealing insensibly into the hearts of some of its active leaders, he at once wrote them a letter (dated the 8th of February, 1653), expressing his regret at the intelligence, and urging them to a more consistent practice of the great principles upon which their society was founded. An answer was drawn up by Roger Williams, and signed by the principal people of Providence, which shows with what truly Christian sentiments sir Henry's friendly and faithful remonstrances were received. It concludes by expressing the hope, " that, when we are gone and rotten, our posterity and children after us, shall read, in our town records, your pious and favourable letters and loving kindness to us." †

In these after years he wrote to Winthrop too, his old and active enemy, in the same spirit as to those who had supported him. From the high places of po-

* Mr. Upham. Hist. Coll. ix. 194. 2d series.

† Hist. Coll. x. 90., note.

litical influence and power, as in his young and uninfluential days, he used the same arguments to Winthrop, to induce him to save the country he presided over from the destructive effects of religious bigotry and intolerance. He wrote to him * entreating him to exhort the

* This letter will be found in Hutchinson's collections, p. 137. I cannot refrain from adding here, while yet detained on the subject, an admirable sketch which is furnished by Mr. Upham, of the closing passages of Mrs. Hutchinson's life, after the departure of Vane. It cannot fail to have a melancholy interest for those who are interested in the great statesman her fortunes connected her with, and who, admiring as they must, her genius, her firmness, and perseverance, must deplore her sufferings, and the bloody tragedy which brought those sufferings to a close. After Vane's departure, the controversy he had taken part in, was, by the direct application of mere power, extinguished and extirpated. Mr. Wheelwright was banished, and the same sentence was carried into execution against Mrs. Hutchinson, after an examination and trial, in which she exhibited the most extraordinary degree of talent, learning, skill, and fortitude. She at once removed after this with her family to Rhode Island, where, under the protection of Roger Williams, her conduct did not incur reproach, although she continued faithful to her principles; neither did any injury or inconvenience, as Williams wrote to Vane, result from her influence there. "How clearly" justly pursues Mr. Upham, "does this illustrate the important maxim, that no heresy need be regarded as dangerous to the state, when the state does not meddle with it! Upon the death of her husband, she transferred her residence to Long Island, where, in the year 1643, her sufferings and persecutions were brought to an end in a manner so awful and tragical, as would have softened the hearts, we might suppose, of the bitterest foes, and have buried for ever all feelings of anger and bigotry, in one widespread and profound sentiment of pity and sorrow. She and all her family, consisting of sixteen persons, were murdered by the Indians, with the exception of one daughter, who was carried into captivity. Such was the fate of Anne Hutchinson, one of the most remarkable persons of her age and sex, — learned, accomplished, and of a heroic spirit. Her genius was as extraordinary as her history was strange and eventful. Her abilities were equalled only by her misfortunes. With talents and graces, which would have adorned and blessed the private spheres, within which they ought to have been confined, she aimed to occupy a more public position, and to act upon a more conspicuous theatre; and the consequence was, that she was hated where she would otherwise have been loved; a torrent of prejudice and calumny was made to pour over her; an entire community was thrown into disorder and convulsions for years; a most cruel persecution drove her from the pale of civilisation; and she fell, at last, beneath the bloody tomahawks of murderous savages. Immediately after her exile from Massachusetts, the flood-gates of slander were opened against her character. Every species of abuse and defamation was resorted to, and tales of calumny were put into circulation so extravagant, disgusting, loathsome, and shocking, that nothing but the blackest malignity could have fabricated, or the most infuriated and blinded bigotry have credited them. (Mather's "Magnalia," book vii. c. iii. § xi.) Every mouth seemed to be open to asperse her, and every heart hardened against her. And when the news of her tragical death arrived, it was readily believed and proclaimed that it was a judgment of God upon her sinful heresies, and the people seemed almost to take satisfaction in reflecting upon the dreadful fate, which had befallen her in the distant wilderness to which she had been driven by their intolerance. In contemplating the furious and desperate virulence of the colonists towards Mrs. Hutchinson, we discern a striking illustration of the destructive influences of bigotry and persecution upon all the finer and more amiable sentiments of humanity. The very virtues which are justly lauded in our fathers serve to prove and demonstrate the lesson, which it

congregational churches in America to exhibit such an example of the spirit of peace, charity, and forbearance, as would alone tend to promote the great cause of Christian liberty and truth in the older world. Winthrop himself appears by this time to have become sensible of the greatness, justice, and truth of Vane's character, and we find him accordingly, in speaking of a difficulty in which, in 1645, some New England men were involved in the admiralty courts in London, on account of their connection with certain proceedings of the government of Massachusetts, and which was of such moment, that the bonds they were required to give amounted to four thousand pounds,—seizing the opportunity of doing honour to certain active and disinterested exertions of sir Henry Vane in their behalf, and adding that, “although he might have taken occasion against us for some dishonour, which he apprehended to have been unjustly put upon him here, yet both now, and at other times, he hath showed himself a true friend to New England, and a man of a noble and generous mind.”*

Such is a faithful history of Vane's colonial residence and administration, and it may be safely left thus to the impartial and just-minded to determine, whether, far from depreciating his powers as a public man, as hath been too rashly concluded, it does not on the contrary give additional interest and lustre to all that is great, or noble, or wise, in the history of his life. He now appears upon a wider scene once more, and Garrard writes to the lord deputy. “Henry Vane, the comptroller's eldest son, who hath been governor in New England this last year is come home; whether he hath left his former misgrounded opinions, for which he left us, I know not.”†

becomes us to draw from this passage of their history. Indeed, no excellence of nature or of principle, no strength or refinement of character, is proof against the debasing power of intolerance. To be bigoted is to be cruel. To persecute another is to barbarise one's self.”

* Savage's Winthrop, vol. ii. p. 248.

† Strafford's Letters and Dispatches, ii. 116.

Nor could the gossiping Garrard, with all his zealous curiosity, ascertain for many months any better knowledge on this point. Vane lived in retirement for a considerable time after his return. The interval not unfitly prepares us, after the strange and turbulent scenes we have just gone through, for that resolved and deliberate strengthening of his purposes and powers, which, in hours of quiet retreat and lofty study we may suppose to have been now his principal aim, and his noblest preparation for that glorious career of suffering and of service, on which he was soon to enter in his native country. In this interval, too, "with his father's approbation" he married Frances, the daughter of sir Christopher Wray, of Ashby in Lincolnshire.

Public affairs had meanwhile advanced to the crisis which forced the king once more upon the detested resource of a parliament, in April, 1640, and in this parliament, influenced secretly, it is supposed, by Pym, "young Mr. Vane" consented to sit. He was at once returned for the borough of Kingston upon Hull,—worthiest predecessor, in the representation of that place, to honest Andrew Marvel.

This step appears to have given great alarm at court, both to his father and the king. Means were at once taken to propitiate the possible hostility of the young and resolute statesman. "By his father's credit with the earl of Northumberland, who was lord high admiral of England," says Clarendon, "he was joined presently and jointly with sir William Russel in the office of treasurer of the navy (a place of great trust and profit), which he equally shared with the other.* His father's credit may indeed have had some share in this appointment, but the manifest purpose for which that credit had been called into request, and the eager sanction the appointment received from the king, were displayed in an additional honour conferred on him two or three months afterward, when he received the dignity

* Vol. i. 328.

of knighthood from the hands of Charles. From this time he generally passed by the title which he has made so famous, sir Harry Vane the younger, or the more formal one of sir Henry Vane, of Raby Castle, knight.*

Still no movement appeared on the part of the newly appointed minister, of co-operation in the principles of the government. He was frequently observed on the contrary, in the society of Pym and Hampden, and it is a remark of Clarendon that at this time "nothing was concealed from him though it is believed that he communicated his own thoughts to very few." He was waiting his time, now very near.

In November, 1640, again elected for the borough of Kingston-upon-Hull, Sir Henry Vane the younger sat down at Westminster, a member of the ever-memorable long parliament. From that instant his course was plain, and never swerved from. "In the beginning of the great parliament," says one who had watched him well, the honest and able Ludlow, "he was elected to serve his country among them, without the least application on his part to that end. And in this station, he soon made appear how capable he was of managing great affairs, possessing, in the highest perfection, a quick and ready apprehension, a strong and tenacious memory, a profound and penetrating judgment, a just and noble eloquence, with an easy and graceful manner of speaking. To these were added a singular zeal and affection for the good of the commonwealth, and a resolution and courage not to be shaken or diverted from the public service."† . Soon indeed were these great characteristics made manifest.

* Anthony à Wood, iii. 579.

† I may in this place subjoin what is said of his general conduct henceforward, in the extraordinary "life" by Sikes. "This worthy patriot was freely chosen, without any seeking of his, to serve as a Burgess for the town of Kingston-upon-Hull, in that parliament which sat down November 3. 1640. About thirteen years did he indefatigably labour therein for his country's relief, against manifest oppressions and public grievances that were upon it. And well nigh ten years more he hath patiently suffered, as either a useless or pernicious person, because of his destructive constitution to the peace and interest of tyranny. During the long parliament, he was usually so engaged for the public, in the

His conduct in the affair of Lord Strafford's trial has been alluded to in a previous memoir.* He furnished the most material evidence against the earl. The circumstance may be stated here in the words which, according to Clarendon, were used by Pym, in describing it to the house of commons. "That, *some months before the beginning of this parliament*, he had visited young sir Henry Vane, eldest son to the secretary, who was then newly recovered from an ague; that they being together, *and condoling the sad condition of the kingdom*, by reason of the many illegal taxes and pressures, sir Harry told him, if he would call upon him the next day, he would show him somewhat that would give him much trouble, and inform him what counsels were like to be followed to the ruin of the kingdom; for that he had, in perusal of some of his father's papers, accidentally met with the result of the cabinet council upon the dissolution of the last parliament, which comprehended the resolutions then taken. The next day he showed him a little paper of the secretary's own writing; in which was contained the day of the month, and the results of several discourses made by several counsellors; with several hieroglyphics, which sufficiently expressed the persons by whom those discourses were made. The matter was of so transcendant a nature, and the counsel so prodigious, with reference to the commonwealth, that he desired he might take a copy of it, which the young gentleman would by no means consent to, fearing it might prove prejudicial to his father. But when he

house and several committees, from early in the morning till very late at night, that he had scarce any leisure to eat his bread, converse with his nearest relations, or at all to mind his family affairs. Were I indeed furnished with the tongue of the learned, the pen of a ready writer, I should think it advisable to let the usefulness and success of his public actions all along that parliament, till forcibly dissolved, speak for themselves. That race of action being run, not without much struggling, contradiction, and mis-reports the while, he comes to his suffering scene. He was for several years rejected, persecuted, and imprisoned by his apostatised friends, that had gone to the house of God in company with him, who at length to complete their persecuting work upon him, delivered him up, to be hunted to death by his professed foes, enemies of all righteousness, God's and man's too."

* Life of Strafford, p. 393.

(Mr. Pym) informed him, that it was of extreme consequence to the kingdom, and that a time might probably come, when the discovery of this might be a sovereign means to preserve both church and state, he was contented that Mr. Pym should take a copy of it ; which he did, in the presence of sir Henry Vane ; and having examined it together, delivered the original again to sir Henry Vane.”*

This famous paper, it is scarcely necessary to repeat in this place, contained old Vane's notes of a council, at which Strafford had recommended the introduction of the Irish army to reduce England to obedience. When they were produced by Pym in Westminster Hall, an extraordinary sensation was created, and the cause of Strafford was, for the first time, felt to be hopeless. It is perhaps worth while adding the sequel of the scene in the house of commons after Pym's announcement — always bearing in mind, that it rests on no better authority than Clarendon's. Sir Henry Vane the younger, he says, rose after Mr. Pym, corroborated his statement, and added “that his father being in the north with the king the summer before, had sent up his keys to his secretary, then at Whitehall ; and had written to him (his son) that he should take from him those keys, which opened his boxes where his writings and evidences of his land were, to the end that he might cause an assurance to be perfected which concerned his wife ; and that he having perused those evidences, and despatched what depended thereupon had the curiosity

* Clarendon's History, i. 399—400. Oxford ed. of 1826. It is an extraordinary instance of Mr. D'Israeli's forgetfulness where his violent partialities intrude, that in characterising the statement in the text as an artfully turned party tale, got up to infer that there was “no premeditated plot” in this case, between the Vanes to revenge a family hatred against Strafford (a charge which the royalist writers are very fond of), he endeavours to cast doubt and reproach upon the allegations of the “severe indisposition” of the younger Vane, and his alleged “reluctance” in suffering Pym to take a copy, by saying that he can find no authority for them, excepting in Brodie's History of the British Empire ! “Mr. Brodie,” remarks Mr. D'Israeli, “is my *sole authority* for this statement !” Yet Clarendon must have been turned over, page by page, sentence by sentence, with infinite and most curious zeal by Mr. D'Israeli ! Clarendon is the very text on which the “commentaries” are written.

to desire to see what was in a red velvet cabinet, which stood with the other boxes ; and thereupon required the key of that cabinet from the secretary, as if he still wanted somewhat towards the business his father had directed ; and so having gotten that key, he found, amongst other papers, that mentioned by Mr. Pym, which made that impression in him, that he thought himself bound in conscience to communicate it to some person of better judgment than himself, who might be more able to prevent the mischiefs that were threatened therein, and so showed it to Mr. Pym, and being confirmed by him, that the seasonable discovery thereof might do no less than preserve the kingdom, had consented that he should take a copy thereof, which to his knowledge he had faithfully done ; and thereupon had laid the original in its proper place again, in the red velvet cabinet. He said he knew this discovery would prove little less than his ruin in the good opinion of his father ; but having been provoked by the tenderness of his conscience towards his common parent, his country, to trespass against his natural father, he hoped he should find compassion from that house, though he had little hopes of pardon elsewhere." The elder Vane, who had, throughout the whole of this scene, shown extraordinary symptoms of pain and vexation now rose, remarked severely on the conduct of his son, and added : — " That it was true, being in the north with the king, and that unfortunate son of his having married a virtuous gentlewoman, daughter to a worthy member then present, to whom there was somewhat in justice and honour due, which was not sufficiently settled, he had sent his keys to his secretary, not well knowing in what box the material writings lay ; and directed him to suffer his son to look after those evidences which were necessary ; that, by this occasion, it seemed, those papers had been examined and perused, which had begot much of this trouble."* This scene, adds Clarendon, whose object throughout is to leave an impression that the

* Clarendon, i. 403, 404.

elder Vane had secretly supplied the papers to his son, for the mere purpose of revenging himself of a private spleen against Strafford, "was so well acted, with such passion and gestures between the father and the son, that many speeches were made in commendation of the conscience, integrity, and merit, of the young man, and a motion made, 'that the father might be enjoined by the house to be friends with his son;' but for some time there was, in public, a great distance observed between them." The distance which was observed between them is spoken of by other writers of better faith and purer purpose than Clarendon, as the result of sincere dissatisfaction on the part of the elder Vane at the course to which his son had now irrevocably pledged himself; and of the exact truth of the details given in the preceding speeches, no writer of authority has ventured to express a doubt.* The only remaining matter that is in any way questionable, may be safely left to the judgment of the reader — whether young Vane was strictly authorised in the step he took, upon discovering, by the indulgence of a pardonable curiosity, the memorable paper in question. Not only, it appears to me, was he fully justified in the course he followed, but none other was open to him, save at the peril of betraying the best interests of his country. So it was considered then by the most rigidly conscientious men †, and so all right judging men must consider it now. The truth of the contents of that memorable paper is not disputed by Clarendon himself,

* Whitelocke, who was intimately acquainted with all the circumstances, and by no means a violent enemy to Strafford, or a violent friend to the Vanes, distinctly corroborates every part of Pym's statement. "Secretary Vane being out of town, sent a letter to his son, sir Henry Vane the younger, then in London, with the key of his study, for his son to look in his cabinet, for some papers there to send to his father. The son looking over many papers, among them alighted upon these notes, which being of so great concernment to the public, and declaring so much against the earl of Strafford, he held himself bound in duty and conscience to discover them. He showed them to Mr. Pym, who urged him and prevailed with him, that they might be made use of in the evidence against the earl of Strafford, as being most material and of great consequence, in relation to that business." — *Memorials*, April 12. 1641.

† The old covenanter Baillie describes young Vane's conduct throughout with fervent praise, and says his manner was remarkable, and that of a most "gracious youth."

and was confirmed by the evidence of Northumberland and Bristol, and even of Usher and Juxon.*

In every great measure of the commons the name of the younger Vane now prominently appears; and pending the trial of Strafford, he had carried up the impeachment† which disabled the power of Laud, the once terrible enemy of toleration. In all matters of religious reform he more especially distinguished himself; he was one of the greatest supporters of the famous "root and branch" petition against prelacy; in the committee of which Hyde was chairman he spoke with masterly effect in favour of the bill against episcopal government‡; and when the famous assembly of divines assembled at Westminster to deliberate on the state of the church and the interests of religion, being requested by the house of commons to take upon himself the duty of one of its lay members, he rendered himself conspicuously eminent in the consultations of that most grave and learned body§, not only by his theological attainments, but by the singular subtlety and skill with which he addressed them to the loftier purposes of government; and, in the faith of those opinions which have already received such striking illustration in these pages, sought to impress upon his more sectarian colleagues the necessity of associating with the popular principle in civil affairs, an extreme and universal toleration of religious differences. In this noble policy, by his powers of irresistible persuasion, he eventually won over some of the most celebrated of these men.||

The progress of public affairs, up to the erection of Charles's standard at Nottingham, has been discussed in detail, in the memoir of Pym. The extraordinary legis-

* See Hallam's Const. Hist. ii. 145. (note).

† See Laud's Diary — Rushworth's Collections, lii. 1087.

‡ The report which remains of this speech is obviously imperfect and unsatisfactory, but is given, as it stands in the pamphlets of the day, in the appendix to the present volume — D.

§ Biog. Brit. Art. Vane, vi. 3991.; and see Scobell's Collection of Acts, p. 43.

|| Clarendon (vol. v. p. 15, 16.) speaks of the growing influence of the Independents in the assembly of divines.

lative achievements that had already distinguished the hitherto short existence of this immortal parliament, shed no small portion of their lustre on the name of the younger Vane. In the impeachments which broke down the terrible power of Strafford and of Laud, and which disabled for ever such men as bishop Wren, bishop Pierce, secretary Windebank, lord keeper Finch, and the slavish judges of ship money, their meaner associates, young Vane had made his powers conspicuous. In the triennial bill, the constitutional settlement of taxation, the destruction of despotic courts, the abolition of the king's prerogative of dissolution, in all those potent measures which, with a terrible hand, had driven out from the English government "evil counsellors, profligate judges, arrogant bishops, and sycophant churchmen," young Vane had gone hand in hand with the man from whom he had received his first political lessons, and on whose pure and lofty principles, on whose long life devoted with unequalled fidelity and virtue to the service of his country, he desired to model his own. The period to Pym's exertions was fast arriving, but they had found their worthiest "supplement and completion" in the younger sir Harry Vane.*

* In the discussions respecting the command of the militia, which immediately led to the civil war, Vane showed remarkable activity and determination; and a curious anecdote is told by Echard (p. 527.) on that head, which, without vouching for its authenticity, it may be worth while to subjoin. He took it, he says, "from an anonymous writer of noted curiosity and reputation." It occurred on the occasion of the last message from the parliament respecting the militia, delivered to the king at Theobalds, and to which he returned the passionate and fiery answer which forbade all further accommodation. Young Vane was one of the committee of the two houses appointed to deliver the message. The answer, says Echard, "being suddenly and with unusual quickness spoken by the king, they were much daunted; and presently retired themselves to take into consideration the terms of it, that there might be no difference in the reporting it to the several houses. As soon as the committee was set, the earl of Newport called out his brother the earl of Warwick to speak with him, who speedily returned with this account from the earl of Newport, 'That the king was then too pressed to give a more satisfactory answer; but that he was confident they should have such a one, if they would but defer their departure for a small time.' To this the whole company seemed to assent with much cheerfulness, when suddenly young sir Henry Vane, a dark enemy to all accommodation, declared himself to wonder at it, and said, 'Is there any person here, who can undertake to know the parliament's mind; whether this which we have, or that which is called a more satisfactory answer, will be more pleasing to the houses? For my part I

When the final appeal to arms was made he surrendered the patent of office he held from Charles, but he was re-appointed treasurer of the navy by the parliament; and its duties, which he had before transacted jointly with sir William Russel, were now committed to him alone.* Sir Gilbert Gerard, the member for Middlesex, was appointed at the same time treasurer to the army. The orderly conduct of the affairs of parliament required these appointments; and it is not one of the least memorable characteristics of the time, that it was only in such cases of absolute necessity that any appointments by the parliament were made. Those particulars only were meddled with, that were indispensable to the objects they had in view, and every thing else was left as it stood.

A memorable circumstance is to be noted in connexion with this re-appointment. The fees of Vane's office were great in the time of peace, but in war he had found them enormous. They are stated by many writers to have been little less than thirty thousand pounds per annum.† Yet now, on surrendering the patent which he had received for life from Charles I., (and for the purpose of enabling him to do so, Whitelocke‡ tells us, the house passed an ordinance at his own earnest request,) he stipulated, in regard to the great necessities of his country, that a thousand a year should be secured to the deputy who executed the ordinary routine of the office, ("an agent he had bred up to the business,") and that the rest of its emoluments should be paid in to the public treasury. From this rare and most virtuous act of self denial, we date the method of a fixed salary, which was afterwards continued in that office. Of its author,

cannot; and if there be any that can, let him speak.' To this no man was so bold as to give an answer; and so, having agreed upon their report, they departed; which shows how easily one subtle ill-disposed person may overthrow a general good intention."—(pp. 527, 528.)

* Journals of August 8—10. 1642.

† See *Biographia Britannica*, vi. 3991.; *Ludlow's Memoirs*, ii. 111.; *Collins's Peerage* (art. earl of Darlington), v. 303.

‡ *Memorials*, p. 232.

who practised many more such actions*, most truly it has been remarked that he was no less superior to the allurements of ambition; and it may perhaps be ascribed to the entire absence of such views, that another person in the sequel (Cromwell), "fitted better for the rude intercourse, and the sordid dispositions of the mass of mankind," got the start of him in the political race. In goodness, in real greatness, Vane had the advantage still.

The severe reverses suffered by the parliament during the second year of the civil war are known to the reader.† Hampden slain, the strength of Pym declining with almost every hour, the train of disasters which had followed each other upon the field,—every thing seemed to render it not impossible to the superficial observer, that the parliament might soon be laid prostrate at the feet of the king. Yet let it not be imagined that the men on whom the chief conduct of affairs had now devolved, the Vanes, the Cromwells, the Martens, the St. Johns, ever for an instant seemed to dread this, or lost even momentarily their presence of mind, or any of the resources which depend on that greatest endowment of statesmen. They had a glorious faith in the cause they had embarked in, and they knew the wonderful aid which, in the very last resort, might still be relied on in such a cause. The defence of the liberties of a country

* "In the beginning of that expensive war, (as unwilling to make a prey of his country's necessities,) he resigned his treasurership for the navy, causing the customary dues of that office to be converted into a salary of a thousand *per annum*. The bare poundage of all expenses that way, which in times of peace came to about three thousand, would have amounted to near twenty thousand by the year, during the war with Holland. Were his personal circumstances and the condition of his family affairs at that season and since, well known, it would render this piece of self-denial the more memorable. Some inconsiderable matter, without his seeking, was allotted to him by the parliament in lieu thereof. He had also long before this, upon the self-denying ordinance (little observed by others), refunded five and twenty hundred pounds, for public uses, being the moiety of his receptions in the said office, from such time as the parliament had made him sole treasurer, who, before the war, was joined with another person." Such is the mention of some of these acts of true patriotism by Vane's intimate friend, Sikes, who had the best opportunities of knowing all the circumstances, and of appreciating the extent of the noble self-denial.

† See Life of Pym, pp. 274—294.

is never to be despaired of. Even at this time in question, when brilliant successes waited on Charles, the astonishing power of the parliamentarians appeared to guarantee a certainty of ultimate victory on their side. They would not be defeated. Bands and regiments of armed men sprang up in succession as if out of the earth. "The fervour and determination of the adherents of the parliament was so intense, as to assume in a great degree the features of gaiety and hilarity. The sentiments of the adverse party, arising from an implicit veneration for monarchical institutions, or bent to take a prey, could not enter into rivalry with the emotions of men, and in some measure of women, engrossed in the cause of their religion, and fighting for every thing that elevates the human heart, and makes life worth the possessing." They shrank abashed from the comparison.

For the immediate necessities of the hour, however, one expedient, it was evident, must now be adopted. Scotland had been hitherto kept aloof from the English quarrel — in which it was well known she sympathised (for it was in its material features the same as that she herself had been so recently and so successfully engaged in) and to which indeed she had openly manifested no slight leaning. But up to this time the pride and delicacy of the English patriots, withheld them, for obvious reasons, from claiming her assistance. Had it been possible they would still have desired to engage no distant party in this great domestic struggle; but when the present unexpected crisis arrived, which involved the possible defeat of the liberal cause in England, and by consequence its imminent endangerment in the neighbour countries, these considerations were laid aside, and the chief leaders of the parliament resolved upon an embassy to the north, to bring the Scottish nation into the field.

The conduct of this embassy was a matter of the highest difficulty and danger. The Scots were known to be bigoted to their own persuasions of narrow and

exclusive church government, while the greatest men of the English parliament had proclaimed the sacred maxim, that every man who worshipped God according to the dictates of his conscience was entitled to the protection of the state. But these men, Vane, Cromwell, Marten, and St. John, though the difficulties of the common cause had brought them into the acknowledged position of leaders and directors of affairs, were in a minority in the house of commons, and the party who were their superiors in number were as bigoted to the most exclusive principles of presbyterianism as the Scots themselves. Denzil Hollis stood at the head of this inferior class of patriots; Glyn, the recorder of London, and Maynard were among its ablest supporters. Waller and Massey in the army, sir Philip Stapleton and sir John Clotworthy, ranged themselves under the same banners; and the celebrated Prynne, and Clement Walker, his inseparable and not less libellous associate, were "flaming presbyterians." The most eminent of the parliamentary nobility, particularly Northumberland, Essex, and Manchester, belonged also to this body; while the London clergy, and the metropolis itself, were almost entirely presbyterian. These things considered, there was indeed great reason to apprehend that this party, backed by the Scots, and supported with a Scottish army, would be strong enough to overpower the advocates of free conscience, and "set up a tyranny, not less to be deplored than that of Laud and his hierarchy which had proved one of the main occasions of bringing on the war."* Yet, opposing to all this danger only their own high purposes and dauntless courage, the smaller party of more consummate statesmen were the first to propose the embassy to Scotland.

"The idea of such an embassy," says Mr. Godwin, "had been brought forward in the lifetime of Hampden; and on the twentieth of July 1643, the commissioners set out from London. They were four; and the man principally confided in among them was Vane. He

* Godwin's Hist. of Com. i. 176.

indeed was the individual best qualified to succeed Hampden as a counsellor, in the arduous struggle in which the nation was at this time engaged. In subtlety of intellect, and dexterity of negotiation, he was inferior to none; and the known disinterestedness of his character, and his superiority to the vulgar temptations of gain, gave him the greatest authority.* It is worth notice that on the very same day on which Vane set out for Scotland, St. John was named to be added as a member to the committee of government, commonly called the committee for the safety of the kingdom — and this has suggested the idea that he was selected as a person on whom Vane could peculiarly depend. The short-sighted presbyterians knew not the formidable power insensibly making head against them.

Clarendon while he eulogises Vane's genius in describing this embassy, uses all his insidious artifice to blacken its motives and its character: "Sir Harry Vane," he says, "was one of the commissioners, and therefore the others need not be named, *since he was all in any business where others were joined with him.* He was indeed a man of extraordinary parts, a pleasant wit, a great understanding, which pierced into and discerned the purposes of other men with wonderful sagacity; whilst he had himself *vultum clausum*, that no man could make a guess of what he intended. He was of a temper not to be moved, and of rare dissimulation, *and could comply when it was not seasonable to contradict, without losing ground by the condescension*; and if he were not superior to Mr. Hampden, he was inferior to no other man, in all mysterious artifices. There need no more be said of his ability, than that he was chosen to cozen and deceive a whole nation, which excel in craft and cunning; which he did with notable pregnancy and dexterity, and prevailed with a people, that could not otherwise be prevailed upon than by advancing their idol presbytery, to sacrifice their peace, their interest,

* Hist. of Com. i. 121.

and their faith, to the erecting a power and authority that resolved to persecute presbytery to an extirpation; and very near brought their purpose to pass.*

A serious difficulty occurred in Vane's departure from London. He was obliged, with the other commissioners, to proceed for Scotland by sea, probably in consequence of the defeat of lord Fairfax, and the temporary ascendancy of the earl of Newcastle in the north of England. He was dismissed in London on the 20th of July, and did not reach Edinburgh before the 9th of August following.† Thus for twenty days he was perhaps out of the reach of any intelligence respecting the affairs of the commonwealth. This was the most critical period in the whole history of the war; the period in which there was, for the moment, the greatest appearance that Charles would gain decisively the advantage over the parliament, and be able effectually to extinguish the cause of liberty in this country. Vane had sailed to negotiate an aid for the English legislature engaged in hostilities against their prince; and it was not certain, that the first news that would reach him when he entered the harbour of Leith, might not be that he had no constituents to represent. In these anxious and critical circumstances, Mr. Godwin has speculated on the character of his thoughts and resolutions. "During this suspense," says that historian, "he seems to have preserved all his serenity. He did not believe that, judged as the cause of Charles had been, and condemned by the most sober and enlightened portion of the people of England, it would be possible to put down the spirit of liberty. He persuaded himself that, even if the cavaliers gained possession of the metropolis, and dispersed the parliament, their triumph would be short. And we may be very sure that he was sustained through all by the verdict of his conscience, and the holy zeal he entertained for a cause which, as he believed, comprised

* Vol. iv. p. 292.

† Other accounts state the 7th. See Biog. Brit. vi. 3991. ; and Rushworth, v. 466.

every man. On the 17th of August the solemn league and covenant was voted by the legislature and the assembly of the church at Edinburgh. The king, in desperate alarm, sent his commands to the Scotch people not to take such a covenant. In reply, they "humbly advised his majesty to take the covenant himself." *

The surpassing service rendered by Vane on this great occasion to the parliamentary cause, exposed him to a more violent hatred from the royalists than he had yet experienced, and Clarendon has used every artifice to depreciate his motives and his sincerity. In various passages of his history he adverts to the subject. In the following, the truth is very evasively stated:—"sir Harry Vane (who equally hated episcopacy and presbytery, save that he wished the one abolished with much impatience, believing it much easier to keep the other from being established, whatever they promised; than to be rid of that which was settled in the kingdom) carefully considered the covenant, and after he had altered and changed many expressions in it, and made them doubtful enough to bear many interpretations, he, and his fellow-commissioners, signed the whole treaty;"—but shortly after we have this distinct falsehood deliberately given: "And he who contributed most to it, the league and covenant, and, in truth, was the principal contriver of it, and the man by whom the committee in Scotland was entirely and stupidly governed, sir Harry Vane the younger, was not afterwards more known to *abhor the covenant*, and the presbyterians, than he was at that very time known to do, and laughed at them then, as much as ever he did afterwards."

Vane never "abhorred" the covenant, though he abhorred the paltry advantages and tyrannies which were afterwards, under its sanction, sought to be practised by the presbyterians. He held the league and covenant in its only true and just acceptation, to be ever sacred—a mutual guarantee between two nations, that for one great common object, each should sustain

* Whitelocke's Memorials, p. 77.

the rights of the other, until perfect liberty had been gained for both.* Till the very close of his life he professed a devotion he had never swerved from, to all that was noble, and just, and good in that memorable league, while he never scrupled to record his impressive dissent from the numerous and desperate endeavours that were made by the Scots and the presbyterians to wrest it to "other ends than itself warranted." Nor will I deny, he said to his judges in the course of his melancholy trial, "Nor will I deny but that, as to the manner of the prosecution of the covenant to other ends than itself warrants, and with a rigid oppressive spirit (to bring all dissenting minds and tender consciences under one uniformity of church discipline and government), *it was utterly against my judgment.* For I always esteemed it more agreeable to the word of God, that the ends and work declared in the covenant should be promoted in a spirit of love and forbearance to differing judgments and consciences, that thereby we might be approving ourselves in doing that to others which we desire they would do to us, and so, though upon different principles, be found joint and faithful advancers of the reformation contained in the covenant, both public and personal." Beautiful, indeed, and conceived in the only true christian spirit, is this definition of the covenant,—in that divine and tolerant faith it was projected and signed by Vane. Some of the last words spoken by him on the scaffold, and in which he made a most touching allusion to the marquis of Argyle, show even more deeply that among the last and strongest feelings left to him in this world, was the desire that in reference to this great action of his life, he should leave behind him an unstained name.†

* Henry Marten, it will be found, held the same opinion, though in his case perhaps the opinion was pushed to the extreme. See *post*, Life of Marten.

† "My life, estate and all, is not so dear to me as my service to God, his cause, to the kingdom of Christ, and to the future welfare of my country; and I am taught according to the example, as well as that most christian saying, of a noble person that lately died after this public manner in Scotland; 'How much better is it to choose affliction and the cross, than to sin or draw back from the service of the living God, into the ways of apostacy and perdition.' That noble person, whose memory I honour,

Vane did not return to London after his mission, until October 26.* In the interval he had formed a very great intimacy and confidence with the marquis of Argyle. Clarendon has celebrated this friendship, and makes out that their sudden attachment had its origin in the strong sympathy felt by each for a like depth and mystery of purpose he discovered in the other. It is certain that a subtler or more refined spirit than Argyle's existed only in the breast of Vane, and though the Scottish statesman was a staunch friend to presbytery, yet he and the great English leader had soon discovered one point in which they fully agreed; a repugnance to half measures, an aversion to the conducting the war in an irresolute and temporising spirit, and "a determination to push the advantages obtained in the field as far as they would go."

The solemn league and covenant remained to be adopted in England. The Scottish form of giving it authority was followed as far as possible. It was referred by the two houses to the assembly of divines, which had commenced its sittings on the 1st of the preceding July, being called together to be consulted with by the parliament for the purpose of settling the government and form of worship of the church of England. This assembly, already referred to, consisted of 121 of the clergy; and a number of lay assessors were joined with them, consisting of ten peers, and twenty members of the house of commons. All these persons were named by the ordinance of the two houses of parliament, which gave birth to the assembly. The public taking of the covenant, was solemnised on the 25th of September, each member of either house attesting his adherence by oath first, and then by sub-

was with myself at the beginning and making of the solemn league and covenant, the matter of which, and the holy ends therein contained, I fully assent unto, and have been as desirous to observe; but the rigid way of prosecuting it, and the oppressing uniformity that hath been endeavoured by it, I never approved." — *Speech upon the scaffold.*

* Commons' Journals.

scribing his name.* The name of Vane, subscribed immediately on his return, appears upon the list next to that of Cromwell.†

The results of this masterly effort of statesmanship were soon manifest. An army of 20,000 men was raised and marshalled in Scotland, and crossed the Tweed on the 19th of January following, to act with the forces of the parliament.

The disastrous loss to the popular party of the great services of Pym (the last of which had been the introduction of the system of excise into this country‡, — an idea borrowed from the financial proceedings in Holland,) had now devolved upon Vane the chief conduct of civil affairs. His energy was remarkable: in public and in private, on the floor of the house and in its committees, in council with the committees at Derby house, or in watchful earnestness on the field of battle, sir Harry Vane the younger was acknowledged the foremost man of the time.

At the opening of the campaign, in 1644, strengthened by the accession of the army from Scotland, 14,000 men had been raised under the earl of Manchester, and his lieutenant-general, Cromwell, for the associated counties in the eastern quarter of England. Upon these forces, Vane, distrustful of the power, if not of the sincerity, of Essex§, fixed hopes of the most sanguine kind. We find him upon the scene of action, with Manchester, in June, 1644, assisting him with his advice, and urging movements of policy which soon won for that division of the army the peculiar confidence of the people. Vane had already in his view an army of a "new model." An interesting remark is made by

* Godwin, i. 181. Journals of Commons, Sep. 22. Whitelock, p. 74.

† Rushworth, v. 480. Echard, p. 585.

‡ See Journals, May 17. 1643. Dugdale, View of the Troubles, p. 120. Godwin, iii. 485. This circumstance had escaped me, when engaged on the life of that great statesman.

§ Essex well knew this, and that the influence of Vane was undermining his hold upon the parliament. Clarendon remarks (iv. 524—5.), "The lord Roberts, though inferior in the army, had much greater credit in the parliament than the earl of Essex; and the earl did not think him very kind to him, he being then in great conjunction with sir Harry Vane, whom of all men the earl hated, and looked upon as an enemy."

Mr. Godwin, on the presence of the statesman thus in the camp of Manchester. "It gives," he says, "an additional quickness to our feelings in the midst of these warlike proceedings, to look into the camp of the parliamentarians, to draw back the canvas of their tents, and contemplate the soldier and the statesman, busied as they were in anticipating the future, in providing for all occasions, and endeavouring to place the mass of yet unformed events under the guidance of human prudence and intellect. In this camp, which was now traversing Nottinghamshire and Lincolnshire, and proceeding to York, we might see, among others, Manchester, deficient neither in the qualities of a gentleman nor the valour of a soldier, the most well-tempered and courteous of mankind, firm in purpose, yet ever gentle and conciliating in his manners; Cromwell, the future guide and oppressor of the commonwealth, daring every thing, and accomplishing whatever he dared to desire; and Vane, ever profound in thought, and sagacious in purpose, desiring the true advantage and happiness of all within the sphere of his influence, and embracing in his capacious mind all the elements of public safety and substantial improvement. These men, now so cordially united, were in no long time to be shaken asunder, each actuated with different sentiments, each pursuing an object which the other two regarded with fixed disapprobation."

Vane seldom remained long from the seat of government, however, for there his presence was daily becoming more and more essential. The presbyterians, rallying with the better aspect of affairs in the field, once more showed a formidable front of remonstrance and discontent, in the debates of the house of commons. He was not daunted by this; he had already looked greater dangers in the face on the eve of the league and covenant, and yet dared to proceed. He knew from the first the consequences of that great measure, which he would sooner or later have to cope with, and he was prepared for the struggle now.

The presbyterians declared their resolution to stand

upon uniformity in church government. Laud and his system had passed away, and they now came forward with their own. The excommunicating canons of diocesan episcopacy had been driven out of England; the pillories of the archbishop of Canterbury reeked no more with human mutilations; but now came in the presbyterians, not less exclusive or intolerant, and impressed with no less horror of the blasphemy and perniciousness of sects, than the former. Its chief distinctions were, the comparative moderation of its emoluments, and the plainness of its garb. The clergy of the church of Scotland were habited with something of the same unambitious sadness, as we see in paintings of the fathers of the inquisition. "But this," says the historian of the commonwealth, with earnest and impressive eloquence, "is in certain respects a disadvantage. He that lords it over me, and would persuade me that he is not of the same ignoble kind as myself, ought, perhaps, to be clad in robes, and covered with ermine and gold. It is some mitigation of my sufferings. I should be glad to be deluded and dazzled to the last. It seems natural that human beings should prefer, like the widow of Benares, to die amidst the clangour of trumpets, and the soft breathing of recorders, to the perishing by the deformed and withering blow of undisguised cruelty."

And so might Vane have thought, and Cromwell, and Milton — for on that principle they acted, in a resolute opposition to the presbyterian policy. It is a mistake, however, to suppose that these great men were what is called "independents," or to be considered as belonging in themselves merely to another Christian sect. For Vane himself, in matters appertaining to religion, he was indeed what Clarendon has striven to convert into a term of reproach, "a man *above* ordinances." His pure religious faith has already received illustration in these pages — the extraordinary incidents of his early life must be supposed to have acted with corresponding force upon his imagination — and now, having risen with

the dangers of the time—the most eminent statesman of an age remarkable for greatness—the acknowledged leader of the English house of commons,—the sole forms of religious or intellectual contest or controversy that he would acknowledge, were those in which the truth bade fair to be separated from falsehood, and in which a perfect and uncontrolled liberty of disquisition might possibly some day, with God's sanction, elevate men into the highest and most sublime regions of pure and perfect intellect—into a station little lower than the angels.

Nothing has been so misunderstood by even the most liberal thinkers, nothing has been so carefully avoided by the greatest admirers of the younger Vane, as the nature of his peculiar opinions in religion. But these shall not be avoided here, and, if possible, not misunderstood. Nor is this an improper period for the introduction of them, since, standing thus on the threshold of the greatest events and exertions of his political life, each may serve to illustrate the other.

When he retired for a time from public life in disgust at the usurpation of Cromwell, he occupied his leisure with religious and political writing. In politics, he wrote with the clear and impressive reason, the simple and masterly style, of a consummate statesman. In religion, he indulged occasionally those wild and visionary thoughts which have seldom failed to visit all strong and fervent spirits of the earth, when they have flung themselves passionately into the profounder questions of man's existence and destiny. In those moments his own divinely elevated fancies assumed to him the forms of "angels of light," and the very presence of Christ himself, "coming in the clouds," was not far distant from his rapt and excited vision.

In the *Retired Man's Meditations* he thus speaks of the *Fall of Man*:—"In this tree of knowledge of good and evil, man had the sight of himself, in the exercise of his natural life and the operations appertaining unto him, as he became a living soul; in the well or evil use whereof he might arrive unto the experience of the supreme good held

forth to him as the end of his creation, the endless life that was to follow ; or else he might come, by the forfeiture of the present good he enjoyed, to know the evil of a much worse condition than at first he had ; for the avoiding of which, and to continue in a posture meet to receive the other, God required him in the state of innocency to abide in a waiting frame of spirit, as a sojourner and stranger in the midst of his present enjoyments in the earthly paradise, that so through his patient forbearance from taking up his rest, or terminating his delight in seen things, he might preserve in himself an unengaged, unprejudiced spirit to what was yet behind of the counsel of God to be communicated to him, as to a more excellent attainment and inheritance to be exhibited to him in the light of the approaching day of the Lord, the beamings forth whereof, as considered in type, were already present."

Here, it seems to me, is the expression of a sense equally subtle and noble. The pause before the accession of all the divinity of intellect that the Creator had designed for man — the rest which was intended before its gradual fulfilment — the waiting frame of spirit, the patient forbearance — the unengaged unprejudiced soul — conceived in that divine sense of Milton,

God doth not need
 Either man's work or his own gifts ; who best
 Bear his mild yoke, they serve him best : his state
 Is kingly ; thousands at his bidding speed,
 And post o'er land and ocean without rest :
 They also serve who only stand and wait —

— all this, with the vision in the distance of a " more excellent attainment and inheritance " in the realisation of all man's intellectual powers, expresses most surely a great imaginative conception, which may be non-accordant with a simpler faith, but is neither unintelligible or obscure. The fervent writer proceeds thus : —

" Now man (being furnished with a reasonable soul and all the excellencies of its operations, with freedom of will to choose the good and refuse the evil, honoured

also with the sovereignty over the creatures), in this fair posture of preparation to receive more, was nevertheless seduced, ensnared, and made a prey of by Satan, sin, and death, to the rendering (as it were) abortive all that work which was already passed upon him, and to the letting in of sin and death, with the deserved curse and wrath of God, through him, as through a door, upon all his posterity.

“ The occasion of this was twofold : first, the present enjoyment of good from God under the ministry of the first covenant, the fruit of which, to the eye of flesh and blood even at its best, was so glorious, and appeared so beautiful and desirable, that man was easily persuaded that it was the best and highest attainment he needed to look after ; and thereby, through Satan’s subtlety, rendered secure and negligent as to the use of means given by God to carry him on, pass him through, and conduct him out of this his corruptible state, as from glory to glory, into the power of an endless life (without the intervening of sin), to the full and perfect securing of man’s nature from all prevailing power of sin’s assaults for ever ; which was not done by creation.

“ The second occasion of man’s fall was the freedom of his will, wherein the judging and desiring faculties of his mind were entirely committed by God to his own free motion and operation, upon the terms of the covenant he was brought into with God ; which was to be dealt with according unto his works—to be rewarded with life or with death, as he should rightly order or abuse this liberty of action, with which God had invested him by way of trial and probation. That man had such a power of free will as this,—

“ First, the nature and tenor of the covenant he was taken into doth demonstrate, which is conditional in reference to the works of man ; and God throughout deals with man, under that covenant according to his works, strongly thereby asserting them to be man’s own ; so as the very reward, which comes thereby, is accounted to him of debt, even the thing which his own action (as

left alone unto himself therein) hath brought upon him, and entitled him unto.

"Secondly, without such a power of free will, man's first estate could not have been mutable, at least could never have changed into corruption; for if it had been necessary to him to have stood, he could not have fallen; and if it had been necessary to him to fall, God had thereby made himself the author of sin, which could not be.

"That which Adam was forbidden, was not simply to forbear the use of his free will, but the evil and unlawful use of it, as (through an unwise discerning, and erroneous judging between the present temporary good which he saw, and the future durable excellency of the things unseen and but in hope) there did spring up an inordinate coveting and desire in him after the retaining of the first, to the despising and rejecting of the second."

What is the meaning of this rich vein of spiritual argument and subtlety, divested of the thin veil of theological phrase which is flung around it, if it be not only another form of those purest aspirations which should be the glory of our nature, teaching us that there is a something within us that was designed for nobler purposes and achievements than have fallen to it in this world, and that, having for a time forfeited these blessings, still the liberty of free will and independent action remains, which, wisely directed, and regulated by the higher uses and refinements even of our imperfect intellect, will in the end bring Christ himself upon the earth, by raising the minds and thoughts of men up to within the level of his own. The reign of the saints Vane looked for was the perfection of the intellect of man. The *de emendatione intellectûs* of Bacon might have been construed by Clarendon into another reign of saints of a similar description. For this great purpose; with an ever present view to that possible reign of wisdom upon earth; keeping constantly before him the sense, that in the mission of Christ had been fulfilled the gracious purpose of the Creator, of offering to man

the redemption of his former shortsightedness and error; — Sir Henry Vane passed his life in one unending strife with what he believed to be the temporal and the spiritual enemy of man — in the one case, to prevent the subjection of his powers to that tyranny of bad government which must deprave his will; and in the other, to unloose his conscience from those secular chains which must take from him eventually the liberty of thought and action by which only his spirit could aspire. This, I believe, to have been Vane's great theory — these the thoughts, which, carried out into all their various and richest forms by the beauty and power of his genius, filled and stirred his mind when he spoke of the coming of Christ upon the earth, and his reign here in goodness and in glory.

In the night before his death he prayed in his prison with his children, and this was a portion of his prayer:

“ The day approaches in which thou wilt decide this controversy, not by might nor by power, but by the spirit of the living God. The spirit will make its own way, and run through the whole earth. Then shall it be said, Where is the fury of the oppressor? Who is he that dares or can stand before the spirit of the Lord, in the mouth of his witnesses? Arise, O Lord, and let thine enemies be scattered. Thy poor servant knows not how he shall be carried forth by thee this day, but, blessed be thy great name, that he hath whereof to speak in this great cause. When I shall be gathered to thee this day, they come thou in the ministry of thy holy angels that excel in strength. We have seen enough of this world, and thou seest, we have enough of it. Let these my friends, that are round about me, commit me to the Lord, and let them be gathered into the family of Abraham the father of the faithful, and become faithful witnesses of those principles and truths that have been discovered to them, that it may be known, that a poor weak prophet hath been amongst them, not by the words of his mouth only, but by the voice of his blood and death, which will speak when he

is gone." Here is the same lofty spirit, the same hope of the tranquil elevation of intellect in the world, above the old influences of might and power.

When his friends were weeping around him on the morning of his execution, he bade them have faith and patience, for that the realisation of all the Creator's promises held out for fulfilment in the world would surely come, when a sufficient number of the spirits of the just should have ascended into heaven. "Weep not," he said, — "I have not the least reluctance or struggling in my spirit against death. I desire not to live; but my will is resigned up to God in all. *Why are you troubled? I am not.* You have need of faith and patience to follow the Lord's call. This ought chiefly to be in our eye, the bringing glory to our heavenly Father. Surely God hath a glorious design to carry on in the world, even the building up of David's throne to all generations. For he is completing all his precious stones, making them heaven-proof, and then laying them together in the heavenly mansions, with the spirits of the just, till it be a complete city. When the top stone thereof is laid, then will he come in all his glory." What is the ground-work of this noble idea, but that which I have described to be his pervading philosophical sense of the Messiah's advent, the gradual perfection of the moral and intellectual powers of mankind?

On the scaffold itself, these were among the latest words of his prayer: * — "Let thy servant speak something on the behalf of the nation wherein he hath lived. Lord, did we not exceed other nations in our

* Immediately before he prayed he had addressed the people, and expressed to the same effect, but by a stronger paraphrase, this impression of the advent of a better day: — "I shall not desire in this place to take up much time, but only as my last words, leave this with you: 'That as the present storm we now lie under, and the dark clouds that yet hang over the reformed churches of Christ, which are coming thicker and thicker for a season, were not unforeseen by me for many years passed, as some writings of mine declare; so the coming of Christ in these clouds, in order to a speedy and sudden revival of his cause, and spreading his kingdom over the face of the whole earth, is most clear to the eye of my faith, even that faith in which I die, whereby the kingdoms of this world shall become the kingdom of our Lord and of his Christ. Amen. Even so, come, Lord Jesus.'"

day? Great things have been done by thee in the midst of us. Oh, that thou wouldst look down in pity and compassion, and pardon the sins of this whole nation, and lay them not to their charge; show them what is thy good and acceptable will, and bring them into subjection thereunto. We humbly pray thee, O Lord, look down with compassion upon this great and populous city, cleanse away the impurity, sinfulness, and defilements thereof; cause their souls to delight in thy word, that they may live. Let a spirit of reformation and purity spring up in and amongst them with power; make them willing to lay down all that is dear to them for thee, that thou mayst give them a crown of life; that they may always desire and choose affliction, and to be exposed to the worst condition and hardest circumstances that can be brought upon them in this world, rather than sin against him that hath loved them and bought them with a price, that they might live to him in their bodies and in their spirits." Again, in these memorable and most touching words, the passionate yearning for that perfecting of his beloved country, by the "spirit of reformation and purity," surmounts every other emotion.

With such aids as these, and considering the subject, so far as we may feel it practicable, in a congenial spirit, we do not find much difficulty in comprehending even Vane's theology! And this is what Baxter ridicules * — Hume finds "absolutely unintelligible" and

* The terms of Baxter's ridicule are worth giving. The closing passage may perhaps divest it of its sting! "His unhappiness lay in this, that his doctrines were so cloudily formed and expressed, that few could understand them, and therefore he had few true disciples. The lord Brook was slain before he had brought him to maturity. Mr. Sterry is thought to be of his mind, as he was his intimate; but he hath not opened himself in writing; and was so famous for obscurity in preaching (being, said sir Benj. Budyard, too high for this world, and too low for the other,) that he thereby proved almost barren also, and vanity and sterility were never more happily conjoined. Mr. Sprig is the chief of his more open disciples (too well known by a book of his sermons). This obscurity by some was imputed to his not understanding himself; but by others to design, because he could speak plainly when he listed: the two courses in which he had most success and spake most plainly were, his earnest plea for universal liberty of conscience, and against the magistrate's intermeddling with religion, and *his teaching his followers to revile the ministry, calling them*

"exhibiting no traces of eloquence or common sense" *
 —Anthony Wood foams in the mouth at, when he even mentions †—bishop Burnet professes an utter bewilderment about ‡—Clarendon, in various passages, studiously endeavours to misrepresent or laugh at §—and all

ordinarily black coats, priests, and other names which then savoured of reproach; and those gentlemen that adhered to the ministry, *they said were priest-ridden*."—(Life, p. 75.) The "earnest plea for universal liberty of conscience" I regret to say I have not seen. No doubt it was one of the noblest of his works.

* This is Hume's deliberately recorded opinion. "This man, so celebrated for his parliamentary talents, and for his capacity in business, has left some writings behind him. They treat, all of them, of religious subjects, and are absolutely unintelligible. No traces of eloquence or even of common sense appear in them."

† A short specimen will serve:—"In sum, he was the Proteus of the times, a mere hotch-potch of religion, chief ringleader of all the frantic sectarians, of a turbulent spirit and working brain, of a strong composition of choler and melancholy, an inventor not only of whimsies in religion, but also of crotchets in the state (as his several models testify), and composed only of treason, ingratitude, and baseness." Ath. Ox. iii. 580.

‡ His words are:—"For though he set up a form of religion in a way of his own, yet it consisted rather in a withdrawing from all other forms, than in any new or particular opinions or forms; from which he and his party were called Seekers, and seemed to wait for some new and clearer manifestations. In these meetings he preached and prayed often himself, but with so peculiar a darkness, that, though I have sometimes taken pains to see if I could find out his meaning in his works, yet I could never reach it. And since many others have said the same, it may be reasonable to believe that he hid somewhat that was a necessary key to the rest. His friends told me, he leaned to Origen's notion of an universal salvation of all, both of devils and the damned, and to the doctrine of pre-existence."—(Hist. of his own Time, fol. 1794. i. 164.)

§ "Vane was a man not to be described by any character of religion; in which he had swallowed some of the fancies and extravagances of every sect or faction; and was become (which cannot be expressed by any other language than was peculiar to that time) *a man above ordinances*, unlimited and unrestrained by any rules or bounds prescribed to other men, by reason of his perfection. He was a perfect enthusiast; and, without doubt, did believe himself inspired; which so far corrupted his reason and understanding (which in all matters without the verge of religion, was inferior to that of few men,) that he did at some time believe, *he was the person* (!) deputed to reign over the saints upon earth, for a thousand years." (Hist. of Rebellion, vi. 373.) I need not quote, as I might, fifty similar passages from his history:—in charity it is right to add, that in private intercourse with his friends, even Clarendon could moderate something of the inveterate hostility, with which, to the scaffold, he pursued Vane. In some remarks on "Cressy's answer to Stillingfleet," (reported in the Biog. Brit.) he thus speaks, with half candour, of one of his religious books:—"Which when I had read, and found nothing of his usual clearness, and ratiocination in his discourse, *in which he used much to excel the best of the company he kept*, and that the style thereof was very much like that of Sancta Sophia; and that in a crowd of very easy words, the sense was too hard to find out: I was of opinion that the subject-matter of it was of so delicate a nature, that it required another kind of preparation of mind, and it may be another kind of diet, than men are ordinarily supplied with." This is more true than the writer intended, as applied to his own "preparation of mind," and that gross "diet" which withheld the pampered chancellor from sympathy with such a spirit as that of sir Harry Vane.

modern writers, with one single exception *, have either studiously evaded, or spoken of with ingenuous pity or a wholesale contempt. The candid critic in the *Spectator*, who "had read Aristotle, and found him not such a fool as he thought him," showed greater ability and much more honesty than these critics of sir Henry Vane.

But this subject cannot be brought too distinctly before the reader, in an endeavour to do tardy justice to the memory of one of the greatest men of our history. He will bear enquiry best into the matters for which he has been the most vehemently assailed.

The peculiar action of the will in Vane's argument upon the fall of man, receives illustration from another passage in his writings upon the relation of the will to all that is noblest in man's soul. "The will only is truly man's own, and the considerable part of the reasonable soul. On it depend the issues of good or evil, life or death. All the rest of a man, his understanding, memory, imagination, may be taken from him, altered, troubled by a thousand accidents. But the will is so much in our own power that it cannot be taken away, though its action may be hindered. 'Tis our own till we knowingly and freely give it away, which may be. And he that hath once absolutely given up his will to another, is no more his own man. He hath left himself nothing of his own. 'Tis by the will we are good or evil, nappy or unhappy."

His enthusiasm was indeed highly and passionately wrought on many incidental points of faith, but the character of his mind in all the practical applications of those exalted views, was infinitely sober, subtle, well regulated, and exact. No worldly failures in his own case had the power of disheartening the great reliance with which "to the mark" he still pressed forward.

* In an early number of the *Westminster Review* a very able notice appeared under the title of "Vane and Bunyan," which was written in the best spirit.

"The goodness of any cause is not merely to be judged by the events, whether visibly prosperous or unprosperous, but by the righteousness of its principles; nor is our faith and patience to fail under the many fears, doubts, wants, troubles, and power of adversaries, in the passage to the recovery of our long-lost freedom. For it is the same cause with that of the Israelites of old, of which we ought not to be ashamed or distrustful."

And in another most wise and tender passage of philosophy he speaks thus: —

"Evils themselves, through the wise over-ruling providence of God, have good fruits and effects. The world would be extinguished and perish, if it were not changed, shaken, and discomposed, by a variety and interchangeable course of things, wisely ordered by God, the best physician. This ought to satisfy every honest and reasonable mind, and make it joyfully submit to the worst of changes, how strange and wonderful soever they may seem, since they are the works of God and nature, and that which is a loss in one respect is a gain in another.

"Let not a wise man disdain or ill resent any thing that shall happen to him. Let him know those things that seem hurtful to him in particular, pertain to the preservation of the whole universe, and are of the nature of those things, that finish and fill up the course and office of this world."

Of his views in regard to the necessity of that preparation of man for his better and wiser state, which has already been explained in a former passage to imply in its results that divine advent which his imagination took such fervent delight in, the following most striking passage from the *Retired Man's Meditations*, will afford a further illustration and example: —

"But there is a duty of the day, a generation-work, respecting the time and circumstances of action, in which the lot of our life is cast, which calls upon us to use all lawful and righteous means that are afforded by the good hand of God, through the inward light and knowledge he vouchsafes, and outward pro-

vidences and helps which he casts in, whereby to make way for, and to be hasting unto the coming of that day of God, wherein the old heavens and earth shall be rolled away as garments, yea, with the works that are therein, be burnt up, and the new heavens and the new earth wherein dwelleth righteousness shall be brought forth in their room.

"Our part is the same therefore in this, as in the practice or other righteous duties appertaining to us, the perfection whereof we cannot expect until the redemption of the body; and yet we are to be using all lawful means and endeavours, to come as near the primitive pattern and rule as we can, in our whole practice throughout.

"So that when once we have well considered what rule Christ himself, if he were on earth, would exercise over men, in protecting those that do well, and being a terror to evil works, as also in distributing righteousness equally and impartially unto all, upon the grounds of right and just (which every one, in the measure of light they have attained, are acquainted with, and do acknowledge for the rule which they are willing to be concluded under, as to all their outward concerns) we ought in the way of Christ, and in the use of all lawful means, to be as near this in our practice as possible we may, in the rule over men, which we shall be either as principals or accessories in setting up, holding ourselves obliged in heartiness and freedom of mind, to maintain."

In a previous memoir in this series I spoke of the extraordinary influence which the translation of the Bible had exerted in the world. To Vane it was, indeed, what Plato's "original type" may have been to the enfeebled and restless man of civilisation, who wished, by such a comparison, to ascertain his precise position in the moral or intellectual scale. What he knew of its own original language* gave additional strength to his

* "Hebrew words were fitted to the things they signified; there was a certain connection between things and words. All other words, as they come less or more near to the Hebrew, do more or less significantly represent the things meant by them. The more any language recedes from the

passion for its study, and in the leisure he could abstract from public affairs it was seldom out of his hands.* It is no matter of surprise that such a mind as his should wander occasionally out of the rich treasures of thought, fancy, imagination, and feeling, disclosed in that favourite study in their highest and most passionate forms, into fancies and speculations of its own on the various wonders of those primeval days, when inspired teachers

Hebrew, the more it is confounded by human changes and additions, the more obscure and difficult means are the words thereof for conveying the knowledge of things to us. Homer and other Greek poets and philosophers set themselves therefore to etymological learning, by reducing the primitive words in other languages to their Hebrew roots, and then the derivative to those principles. This they laboured in, as the most notable means conducive to the knowledge of things. Then Chrysippus, Demetrius, and abundance of others, wrote books of etymology. Then the Latins, receiving learning as well as the empire from the Greeks, steer the same course, in order to etymological discipline, as the choicest means to lead men into the knowledge of things. Cato, Varro, and other ancient and famous Latins, wrote many volumes to this purpose. Of later times, on the same account, did Julius Cæsar, Scaliger, compose a hundred and ten books *de originibus*. Then Joseph Scaliger, son of Julius, Lipsius, Casaubon, and many others steered the same course." *Sikes's Thoughts of Vane*.

* Sikes thus describes one of Vane's domestic practices: — "The usual practice of this sufferer was to spend an hour or two every evening with his family, or any other that were providentially there, and as much both morning and evening on the first day. He was of that truly bounteous, princely, communicative spirit, noted in the Spouse. Rich in good works, ready to distribute, willing to communicate, to make manifest the favour of the knowledge of Christ, that himself had deep and large experience of, in every place. His gravity, purity, and chasteness of spirit were very exemplary. He held out in the midst of all the late apostacies and changes. He was steadfast and immovable, always abounding in the work of the Lord, and his labour was not in vain, as he well knew. So assiduous was he in continual searching of the scriptures, waiting upon the Lord in faith and prayer, for more full discoveries of his mind therein, that it was said of him, put him where you will, if he may have but a Bible, he is well enough; as Jansen (of whom the Jansenists in France) reckoned himself with Austin." In a subsequent passage Sikes further illustrates the beautiful toleration of Vane, in describing his views of the institution of the sabbath. They who so busily trouble themselves in legislating for "bitter observance" of *that* day, and would bestow upon mankind no portion of their care on any other, may read the passage with great advantage: — "He accounted the Jewish sabbath ceremonious and temporary, ending upon the coming of the Son of Man, who was Lord of the sabbath day. And if he had thought that which is commonly observed in the room thereof, to be rather a magistral institution among Christians in imitation of the Jewish, than that which hath any clear appointment in the gospel, the Apostle would not have him judged for it. 'One man,' says he, 'esteems one day above another; another esteemeth every day alike. Let every man be fully persuaded in his own mind. He that regardeth a day, regardeth it unto the Lord, and he that regardeth not the day to the Lord, he doth not regard it.' This I can say, he usually took the opportunity of spending more time in exercise and prayer in his family, or other Christian meetings on that day, than on any other. And will any yet say he was a sabbath breaker? If they do, see what company we may find for him under that imputation."

walked upon the earth, and angels are recorded to have sat down with men.

Even in such speculations observe still the pervading sense of what has been so variously exhibited in passages already given. He speaks of the creation, the nature, and the ministry of angels:—

“ These in their creation are described by the light which God made on the first day, Gen. i. 3, 4., when he said, ‘ Let there be light, and there was light ; and God saw the light, that it was good : ’ approving this first work of his hands in the beginning of that day : and God, by his dividing the light from the darkness, signified the heavenliness of their frame and constitution, as they stand exalted and separate in their beings from all sensual life, in the form of invisible spirits, whereof the material heavens in their creation are the first shadow ; which are called, Prov. viii. 26., ‘ the highest part of the dust of the world ; ’ as David also, (giving account of both their creations together) Psalm civ. 2—4., saith, ‘ Who coverest thyself with light as with a garment ; who stretchest out the heavens like a curtain : who layeth the beams of his chambers in the waters : who maketh the clouds his chariots : who walketh upon the wings of the wind : who maketh his angels spirits, and his ministers a flaming fire : ’ in which posture and preparation, the Psalmist describes the word as he proceeds to the rest of the creation, vers. 5, 6, &c. intimating, that as man in his bodily state was made dust of the ground, so the angels were made a flame of fire, in their natural constitution.”

He follows this up in a passage of rapt poetical fervour that would have been worthy of Milton:—

“ As thus they are this heavenly building, they are the first heavens, the tabernacle and clouds of heaven, or the air, for the day-break and glorious sun of God’s first appearance, to run his race and finish his course in ; whereby to enlighten the ends of the earth, and all things under heaven. These sons of this morning are the first light-bearers to the inhabitants of the first

world, and therein are covering cherubs unto the Son in his own proper glory ; and that they may be enabled to bear light, or the similitude of Christ in his first appearance, unto others, they are first the receivers of that light in themselves, in a spirituality of being and form, fitted and suited thereunto, which accommodates them with the exercise of senses merely spiritual and inward, exceeding high, intuitive, and comprehensive : a manner of life, shadowing out the divine life in the name of the Father, whose voice is not heard at any time, nor shape seen, but is like a consuming fire, to burn up and slay whatever natural organ is conversant about it, or stands before the beams and rays of its most pure and invisible glory."

And into the exercise of even such senses, "spiritual and inward, high, intuitive, and comprehensive," it was the ardent hope of this great lover of his fellow-men to see even them one day conducted by the exercise of a purity of intellect and righteousness of will. Such also was the faith of Milton, expressed in later years, when of men and angels the "winged hierarch" spoke to Adam, as—

" More refined, more spirituous and pure,
As nearer to Him placed ; or nearer tending,
Each in their several active spheres assign'd,
Till body up to spirit work, in bounds
Proportioned to each kind. So from the root
Springs lighter the green stalk, from thence the leaves
More airy, last the bright consummate flower
Spirits odorous breathes : flow'rs and their fruit,
Man's nourishment, by gradual scale sublimed,
To vital spirits aspire, to animal,
To intellectual ; give both life and sense,
Fancy and understanding : whence the soul
Reason receives, and reason is her being,
Discursive, or intuitive ; discourse
Is ofttest yours, the latter most is ours,
Differing but in degree, of kind the same.
Wonder not then, what God for you saw good
If I refuse not, but convert, as you,
To proper substance : *time may come, when Men*
With Angels may participate, and find
No inconvenient diet, nor too light fare ; . . .
To whom the patriarch of mankind replied. —
O favourable spirit ! propitious guest !
Well hast thou taught the way that might direct
Our knowledge, and the scale of nature set
From centre to circumference, whereon
In contemplation of created things
By steps we may ascend to God."

These illustrations of the religious writings and speculations of Vane shall here be closed, for the present, with some extracts that bring us immediately back to the consideration of the subject which first led to their introduction. All Vane's enthusiasm, all his faith, only rendered him unboundedly tolerant of creeds the most opposed to his own.* In the "Retired Man's Meditations," one of the most rigidly theological of his works, the direct assertion of perfect liberty of conscience is a pervading doctrine throughout; and he thus, in the chapter on magistracy, defines what the authority of a civil magistrate should be restricted to, as opposed to the exclusive and intolerant policy of the presbyterians.

"When the Scripture saith that the rule of magistracy is over men, we are to understand by this term, the proper sphere, bounds, and limits, of that office, which is not to intrude itself into the office and proper concerns of Christ's inward government and rule, in the conscience, but is to content itself with the outward man, and to intermeddle with the concerns thereof in reference to the converse which man ought to have with man, upon the grounds of natural justice and right, in things appertaining to this life.

"Magistracy, then, is the rule, which God hath ordained to be exercised over the outward man, by man himself qualified thereunto, to act in righteousness and in the fear of the Lord, in discharge of this his high and great trust; and so is an office merely respecting rule and government over men in their outward concerns, which is capable to be rightly used or not, according as the persons intrusted therewith, are qualified and do exercise the same, the office of itself being good,

* "A man may be orthodox and sound in his judgment, as to the principles of religion, and yet wanting sincere love to Christ and his people, may fall short of heaven; and on the contrary, another Christian may err and mistake in many points, and yet having sincere love to the truths of Christ, according to that measure of light, which God hath vouchsafed unto him, he may be saved. Who art thou that judgest another man's servant? to his own master he standeth or falleth." This was ever his divine principle.

and the end for which it is set up, being according to God's ordinance and institution, for the ministering of punishment to them that do ill, and encouragement and protection to them that do well.

"And men may lawfully arrive and attain unto this office and dignity, either in an ordinary way, through the endeavours and free choice of men; or extraordinarily, by the immediate call of God himself to the exercise thereof, making those that are to obey, 'willingly subject in that day of his power.'

"For the office itself, it is (as we have showed) in God's institution, a rule that is set up over the outward man, in righteousness and in the fear of the Lord, obliging the persons intrusted with this power, to put forth righteousness in all their actings that appertain to their public charge."

He afterwards, in pursuing the subject, reverts to his old faith of the necessity of "working up to God," by constant changes, and improvements, and efforts to bring the institution to purity and perfection.

"And as in this, the principle of natural justice and right, in their highest improvement, are to be their rule, so the fear of the Lord should oblige them in an humble dependency upon him, and trembling posture of mind before him, to be watchful, in not suffering any thing to be done by them that may carry in it hinderance or opposition to the breaking in of higher discoveries upon them, as to the very exercise of the magistratical office, in the purity and perfection, wherein it is promised to be brought forth in the last days by Christ himself; unto which they should always have willing and ready minds to make way and to submit, — so that, considered such as God requires it to be, it is man's ruling over men in righteousness, and in the true fear of the Lord.

"And this, Christ, in his own person, as the Son of Man, is perfectly qualified to do, whose right also it is, having all power in heaven and in earth put into his

hands. And his saints, when fitted by him to sit upon the throne of the same glory with him, shall likewise be found prepared to bring forth even magistracy itself in its right exercise, exactly answering the end for which it was set up by God."

Where this aim is not followed, he shows the necessary tendency to corruption, inherent in the offices of magistracy; and, as with a prophecy of some of the magistrates in these latter times, ends it thus:—"We have already considered magistracy as in its corrupted, degenerated use: it is in a manner the throne and seat of the beast, serving to promote and advance the great design and interest of the devil in the world; whereby it doth become part of his kingdom and hath its place and use in the government that anti-christ keeps up, to the oppressing and keeping under the dear saints and holy ones of the true and living God."

The last extract, from the same chapter of the Retired Man's Meditations, presents a view of the grand object of his whole political life, in direct association with his religious creed. At the period when this was written Cromwell held the government.

"For, if once the Lord be pleased so far to enlighten the minds of men, in these nations, governors, and people, as to show them the good of magistracy, as it is in its primitive institution, and is held forth in promise to be restored in the last days, it will then be their desire and delight to inquire and consider, in a way of free debate and common consent, on behalf of the good people of these nations (who in all these great trials have stood faithful and unshaken as to the known cause they have been engaged in), how the rule over them may be brought nearest to its first institution and original pattern, in the exercise and practice thereof amongst them (founded, as we have seen, upon the principles of natural right and just, and so exclusive to all private interest and personal concern of any singulars that shall be found to stand in competition with, or preference to, the good

of the whole), and how that which is the ordinance and institution of God, may become also the ordinance and statute of man, established in a free and natural way of common consent, to the reuniting of all good men as one man, in a happy union of their spirits, prayers, and counsels, to resist all common danger and opposition, which by devils or men may be raised against them."

A wide gulf, then, it has been seen, separated Vane from the presbyterian party, on many of the most important questions of civil policy. But on the side of toleration with him, stood also Cromwell, Marten, and St. John, such men as Whitelocke and Selden, and indeed the majority of the lawyers, who held with the Erastian doctrines. Milton, too, lent to that great cause, the astonishing force of his genius; and in furtherance of its virtuous objects of freedom of speech and of the press, which were held to be the safest guarantees for a perfect freedom of conscience, published at this period his immortal "Areopagitica," and there anticipated, in words of fire, the defeat of the sect of presbyterians:—"Methinks I see in my mind a noble and puissant nation rousing herself, like a strong man after sleep, and shaking her invincible locks. Methinks I see her, as an eagle, mewing her mighty youth, and kindling her undazzled eyes at the full midday beam; purging and unscaling her long-abused sight at the fountain itself of heavenly radiance: while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms."

Lastly, with these great leaders were associated the sect of the independents. These men had arrived, by somewhat different means, at the same result on the question of liberty of conscience. Their religious zeal was intensely fervid, but they disapproved equally the presbyterian and episcopal systems. They held, that a church was a body of Christians assembled in one place,

appropriated for their worship, and that every such body was complete in itself; that they had a right to draw up the rules by which they thought proper to be regulated, and that no man not a member of their assembly, and no body of men, was entitled to interfere with their proceedings. Demanding toleration on these grounds; they felt that they were equally bound to concede and assert it for others; and they preferred to see a number of churches with different sentiments and institutes, within the same political community, to the idea of remedying the evil, and exterminating error, by means of exclusive regulations, and the menaces and severities of punishment.* To this illustrious sect belonged nearly the whole of the army of Manchester.

Such was the force arrayed against the presbyterians; a force whose numerical weakness in the house of commons, and the assembly of divines†, was counterbalanced by its growing influence among the common people, and in the army, and by the superior reason and power of its leaders. The great and manifold struggles which ensued, are not, therefore, to be considered, what the historians have been fond of naming them, struggles between two sects. The "independents," as the general body opposed to the presbyterians suffered themselves for party convenience to be called, were, it is seen, many‡,—bound in union by a common love of liberty

* Apologetical Narration of the Independents. Godwin, i. 337.

† But as in the house of commons, so in this assembly, the "independent" members were by far the most able. Two of the most considerable of their adversaries have given sketches of them, which will be thought authentic. Clarendon says, "The independents were more learned and rational than the presbyterians; and, though they had not so great congregations of the common people, yet they infected and were followed by, the most substantial and wealthy citizens, as well as by others of better condition." And Bailie, one of the deputies from Scotland, sent to watch over the interests of presbyterianism in the assembly, relates of them, that "truly they speak much, and exceedingly well." And elsewhere, "truly, if the cause were good, the men have plenty of learning, wit, eloquence, and, above all, boldness and stiffness, to make it out."

‡ Among them Mr. Godwin justly counts Erastians; anabaptists; millenarians; fifth monarchy men; individuals who even in these times did not borrow their creed from the country in which they were born, but thought like citizens of the universe; and sects, the very names of which have perished; all embarked in the sacred cause against presbyterian usurpation, and a compulsory uniformity of religious worship and belief.

of speech and of religion. The presbyterians, on the other hand, were one—devoted singly and solely to half measures of popular government, and to entirely compulsory measures of religious intolerance. For, in the questions of religion, at this period, we never fail to see comprised the most valuable, or the most dangerous, maxims of civil government. The house of lords, and almost all the men of great wealth on the side of the parliament, secretly or openly, favoured the presbyterians,—for the very reason that such opinions in church government, were most favourable to their own limited political views. They were tired of the war, and anxious for a compromise. They also showed, on various occasions, an alarm lest the king should be brought too low. "They did not desire an entire victory. What they wished for, was an accommodation between the crown and the aristocracy, in which each of them might secure certain favourite objects, and be enabled to dictate to the nation."

Such was the state of parties at the close of the year 1644, when the reverses, still continued, of the English parliamentary forces, and the presence of the army of the covenant,* pressed hard against the great leaders of the minority in the house of commons. Vane called up Cromwell from the army, and with many significant expressions, "a plea for tender consciences," was presented at the same time to the house of lords, the house of commons, and the assembly of divines; enforced in the commons, with consummate power, by Vane, Cromwell, and Saint John: in the house of lords, by lord Say; and in the assembly, by the leading ministers of the independents. This proved an alarming check to the presbyterians, who were driven, in consequence, to consent to a sort of compromise, and to establish a "directory

* The spirit of the four Scotch commissioners deputed to London to watch over the interests of the covenant, may be gathered from the following:—"We purpose," says Baillie, one of the commissioners, "not to meddle in haste with a point of such high consequence, (the establishment of uniformity in church government,) till it please God to advance our army, which we expect will much assist our arguments."

for public worship," which left much to the will or the capacity of the minister who practised under it.

Charles seems to have been much struck at this time with the capacity and power exhibited by Vane, and entered into overtures of negotiation with him and Saint John. They humoured them only that they might the better acquaint themselves with the king's exact design, taking care, meanwhile, to communicate every thing that passed, to the speaker, to a committee of the house of commons, to which they belonged, and to the Scots commissioners, that their conduct might be free from suspicion. But Essex, not knowing this, and getting some hint of the matter, laid a complaint against these two as traitors to the cause, before the house of lords. They were, of course, most honourably acquitted.* Essex himself, at the same time, was thanked for his vigilance and zeal.

The open and acknowledged treaty of Uxbridge followed, which need not be detailed in these pages.† The names of sir Henry Vane the younger, and Oliver Saint John, we find to have been added, by a special vote, to the commissioners for the parliament. It is enough to show the temper of the king in entering on this treaty,

* Journals, Jan. 17. Baillie, i. 426. Hist. of Com. i. 360.

† Whitelocke, who was one of the commissioners, gives a graphic sketch of this temporary re-union of the chief members of the hostile parties (all Englishmen — once friends!) on this mutual ground. "The commissioners for the treaty on both parts met at Uxbridge, and had their several quarters; those for the parliament and all their retinue on the north side of the town, and those for the king on the south side, and no intermixture of the one party of their attendants with the other; the best inn of the one side was the rendezvous of the parliament's commissioners, and the best inn of the other side of the street was for the king's commissioners. The evening that they came to town several visits passed between particular commissioners of either party; as sir Edward Hyde came to visit Mr. Hollis and Mr. Whitelocke, the lord Culpepper visited sir Henry Vane, and others of the king's commissioners visited several of the parliament's commissioners, and had long discourses about the treaty, and to persuade one another to a compliance. Mr. Whitelocke visited sir Edward Hyde, and Mr. Palmer, and sir Richard Lane, and others, and several of the parliament's commissioners, visited divers of the king's commissioners, and had discourses with them tending to the furtherance of the business of the treaty. The town was so exceeding full of company, that it was hard to get any quarter except for the commissioners and their retinue; and some of the commissioners were forced to lie two of them in a chamber together in field-beds, only upon a quilt, in that cold weather, not coming into a bed during all the treaty." (Jan. 29, 1644, p. 122.)

to show that it was impossible success could have ever attended it. "As to my calling those at London a parliament," he wrote to the queen, during the preliminaries for the negotiation, "if there had been two, besides myself, of my opinion, I had not done it; and the argument that prevailed with me was, that the calling did nowise acknowledge them to be a parliament; upon which condition and construction I did it, and no otherwise: and, accordingly, it is registered in the council books, with the council's unanimous approbation." Again he writes on a subsequent day: "I assure thee that thou needest not doubt the issue of this treaty; for my commissioners are so well chosen (though I say it), that they will neither be threatened nor disputed from the grounds I have given them; which, upon my word, are such as we had formerly determined on." "Believe," he once more writes to Henrietta, "that I have a little more wit than to place confidence in the fidelity of perfidious rebels." Upon the king the failure of that treaty rested, and on the king's head at last fell all the penalties of that invincible spirit of treachery which nothing could cope with or subdue, so long as a vestige of power or even life remained to him — so long as the narrowest loop-hole was still left, through which he could yet catch a glimpse of the darling authority of an absolute throne.

The opening of the campaign of 1645 was rendered memorable by one of the most masterly strokes of policy, emanating from Vane and Cromwell, that had yet distinguished the statesmanship of the times, and which proved eventually, and that very soon, decisive of the fate of the war. This was the self-denying ordinance and the new model. It had been obvious for a considerable time to Vane and Cromwell, that Essex, Waller, and Manchester himself, all evidently temporising and afraid to look steadily at the result of one great and uncompromised victory, must be removed from their command, and the military system of the parliamentary forces completely renovated, before any thing like a perfect success could

be looked for. Up to this time they had had sufficient proof that "their victories, so gallantly gotten, and in which they had so eminently experienced the favour of Heaven, had been of no avail;" that "a summer's triumph had proved but a winter's story, and the game, however it seemed well in autumn, was to be played over again in the spring."* They felt not less, that if things went on much longer thus, these very leaders might possibly be made instruments in the hands of the presbyterians for the betrayal of what they held to be the most valuable conditions of their cause. The authorship of this great remedy now resolved upon, which should have the effect, without personal insult, of removing these obnoxious men, and accompanying with that removal, a re-organisation and reinforcement of the army, is ascribed by Clarendon to Vane. It was, no doubt, the result of deep and anxious deliberation among all the chief men of the independents.

It was opened in the house of commons on the 9th of December, 1644. On that day the house resolved itself into a committee, to consider of the sad condition of the kingdom, in reference to the intolerable burthens of the war, and the little prospect there was of its being speedily brought to a conclusion. In this committee there was a general silence for a good space of time, one "looking upon another to see who would break the ice†," when it was at last broken by Cromwell. "Without," he said, "a more speedy, vigorous, and effectual prosecution of the war, casting off all lingering proceedings like soldiers of fortune beyond the sea to spin out the war, we shall make the kingdom weary of us, and hate the name of a parliament. For what do the enemy say? nay, what do many say that were friends at the beginning of the parliament? Even this; that the members of both houses have got great places and commands, and the sword into their hands, and what by interest in parliament, and what by power in the army.

* Rushworth, vi. 3, 4.

† Ib. vi. 4.

will perpetually continue themselves in grandeur, and not permit the war speedily to end, lest their own power should determine with it. This I speak here to our own faces is but what others do utter abroad behind our backs. I am far from reflecting on any: I know the worth of those commanders, members of both houses, who are yet in power." Cromwell then went on to deprecate any investigation into the conduct of the commanders. He especially recommended "to their prudence, not to insist upon a complaint as to the oversight of any commander-in-chief upon any occasion whatsoever." He observed, that he was himself conscious of oversights, and well knew that they could scarcely be avoided in military affairs. Therefore, waving a strict inquiry into the cause of these things, he exhorted the committee to apply itself to some general remedy, "which, without in any way countenancing the particular censure of individuals, might best in future shut out those evils under which they were at present suffering." The memorable debate which followed is unfortunately not reported. It ended, however, in a great discussion on the following resolution: — "That no member of either house of parliament shall, during the war, enjoy or execute any office or command, military or civil, and that an ordinance be brought in to that purpose." Vane, who had reserved himself for this resolution, spoke at great length upon it, and with even more than his usual eloquence.* Whitelocke, separating himself from the party he generally acted with, was its chief opponent. Hollis and the other heads of the presbyterians seconded him, but without effect. Vane and Cromwell had selected the question with a masterly judgment and foresight; for the errors in the conduct of the war had been so apparent, that many of the presbyterians were obliged on this occasion to declare against their chiefs. It does not appear indeed, that there was more than one division in the progress of the ordinance through the com-

* The report of the debate in Clarendon, including Vane's speech, is all a gross forgery. (See Hist. of Com. i. 395—396.)

mons, but that involved its entire spirit; when, on the 17th of December, a proviso was offered to be added, that the ordinance, and any thing contained in it, should not extend to the earl of Essex, lord general. Upon this occasion, the numbers stood, for the clause 93, against it 100. The ordinance had been reported to the house on the 11th, was passed on the 19th, and was carried up to the lords on the 21st of December.

Every device was resorted to in that house to defeat by delay what they were most reluctant openly to propose. Three times the house of commons sent up messages, desiring expedition, and representing that any delay in passing the ordinance would be dangerous, might be destructive. A select committee was then nominated by the lords to consider of alterations to be introduced, and it is not a little characteristic that of the committee, consisting of ten members, four peers, Essex, Manchester, Warwick, and Denbigh, were persons to whose disadvantage the law would particularly operate. A paper of reasons originated in this committee against the substance of the ordinance. In this paper it was observed, that it deprives the peers of that honour which in all ages had been given them, since they had evermore been principally active, to the effusion of their blood, and the hazard of their estates and fortunes, in regaining and maintaining the fundamental laws of the land, and the rights and liberties of the subject; nor was there ever any battle fought for these ends, wherein the nobility were not employed in places of chiefest trust and command. It was added, that the proposed measure was by no means equal to the lords and commons of England, since, though some of the gentry and commons were excepted as members of parliament, yet that the rest might have liberty to discharge their duty whether in civil office or the field; whereas the ordinance was proposed to operate as an universal disqualification of the whole hereditary nobility of the country. Another objection was, that the tendency of the ordinance appeared to them to be such that in at-

tempting to put it in force every thing would be thrown into confusion in the armies ; and that, therefore, till the " new model " of what was proposed to succeed was produced, they were scarcely in a position to judge the measure fairly. Finally, after repeated conferences between the two houses, the ordinance was rejected by the lords on the 13th of January.*

The last named objection was at once, with masterly promptitude, laid hold of by the statesmen of the lower house, and the very day after the delivery of the reasons from the lords, the committee of both kingdoms reported to the commons a new model for the constitution of the army. This consent of the committee of both kingdoms, including the four Scotch commissioners, is supposed to have been achieved by Vane's mastery over the marquis of Argyle, who had just arrived in London. † It was another decisive advance in influence secured for the independents.

On the 9th of January, the scheme of the new model was laid before the house of commons ; and the names of the principal officers who were to have command in this army were put to the vote on the 21st. The three armies of the parliament were to be formed into one — consisting of 14,000 foot, 6000 cavalry, and 1000 dragoons, — under a general-in-chief, lieutenant-general, major-general, thirty colonels, and the due proportion of other officers. Sir Thomas Fairfax was named general-in-chief, and Skippon major-general. Among the colonels appears the name of Algernon Sidney, and other most eminent men. Among the inferior officers were Ireton, Desborough, and Harrison. The name of the officer who was designed for the second place in the command, and the generalship of the cavalry, was kept in reserve, to be filled up, as it afterwards appeared, with the name of Cromwell. This scheme of the new model passed the lords on the 15th of February, creating an army of 22,000 men, to be principally drafted from the old armies.

* Hist. of Com. i. 402, 403.

† Clarendon. Godwin.

A second "self-denying ordinance" was now transmitted to the lords. Great misconception has arisen in consequence of the difference between these two ordinances in a very material point, though both called by the same name. Mr. Godwin has briefly and impressively stated the difference thus: "It has been commonly imagined, that the independents, after having carried a measure so full of boasted disinterestedness, acted a part directly contrary to their professions, smuggled in one exception after another, Cromwell the first; enriched themselves with the spoils of the nation; and silently and imperceptibly antiquated the law which had, at the moment, been their great instrument for defeating their adversaries of the presbyterian party. But this way of stating the question is by no means exact. The original 'self-denying ordinance,' as it was called, directed that no member of either house of parliament, should, during the present war, hold any office, civil or military, such office being conferred by the authority of both or either of the houses. *This ordinance was defeated in the house of lords by the machinations of the presbyterians, and never passed into a law.* A second ordinance, which was called by the same name, was brought in a short time after, and was attended with a more successful event. The enactment of this ordinance was, that every member of parliament was hereby discharged from whatever office, civil or military, *that had been conferred* by the authority of parliament. The former edict was prospective, and had more of the ordinary character of a law; the second prescribed something immediately to be done, and no more.* What was the cause of the striking difference between the first and the second 'self-denying ordinance,' must be a matter purely of conjecture. It is not improbable, that some of the great leaders of the independent interest began, in this interval, to suspect, that the advantage of per-

* That is, it did not prevent the discharged officers from recovering their offices again.

manently separating the legislative character, and that of an officer, civil or military, was more specious than real. Besides, as their adversaries had contrived to defeat their measure in the upper house, they felt less delicacy towards them, and constructed an edict which more plainly pointed at the *individual change* in the public service, which they held to be immediately required. The new law, therefore, was a temporary expedient, and the general principle was left as before.*

In the progress of this second measure through the house of commons, it is to be remarked, there appears to have been only one division, which occurred on the twenty-first of January, when it was put to the vote whether Fairfax should be nominated commander-in-chief, and the numbers stood (on the question whether the nomination should be then made), for the affirmative 101, for the negative 69. When the ordinance came back from the lords however, a second division took place on an amendment that had been introduced in that house, purporting that the nomination of officers, which was vested in the commander in chief, should be subject to the approbation of the two houses of parliament; and the numbers stood, for the affirmative 82, for the negative 63, the majority being with the presbyterians. This was not a point, however, of vital importance with Vane and the independents, whose victory, in the achievement of the measure as it now stood, had been triumphantly complete.

Essex, Manchester, Warwick and Denbigh had appeared in the house of lords the day before the ordinance passed, and laid down their commissions. Acknowledgments were made by the commons of their great and faithful services, and pensions were voted to them.

The army was now in the hands of the independents. Its soldiers were nearly all members of that communion. Unadorned by rank, ungraced by any of the eminences of station, they were filled with religious zeal and an irrepressible enthusiasm. Each man felt as if the cause

* Hist. of Com. ii. 41.

rested with him, each man had the sense that he was qualified to be a teacher to others. They were equally stimulated by the love of liberty, and the love of that scheme of religious faith which each man espoused. "They respected themselves; they believed that they were in a state of grace; and they were incapable of allowing themselves in any thing unworthy of the high calling with which God had honoured them. They were vessels of glory, set apart for the purposes of heaven. As they had these feelings and impulses in common among them, so these feelings and impulses served them as a bond of indissoluble union. They advanced into the field chanting the psalms contained in the scriptures, and fought, as they expressed it, with 'the sword of the Lord and of Gideon.' " *

But then they were not lords, nor had seen dozens of campaigns, and infinite was the laughter and contempt they at first inspired. It was not given to all to see with the subtle and far-piercing glance of Vane or of Cromwell. "Truly this army was no way glorious," observes May, "either in the dignity of its commanders or the antiquity of the soldiers. Never did an army go forth to war, who had less the confidence of their own friends, or were more the object of contempt to their enemies; and yet who did more bravely deceive the expectations of them both." Their successes he ascribes, under God, to their moral and religious as well as military discipline. "The usual vices of camps," he adds, "were here restrained. The discipline was strict. No theft, no wantonness, no oaths, no profane words, could escape without the severest castigation; by which it was brought to pass, that in this camp, as in a well-ordered city, passage was safe and commerce free." To all this the king's army offered a melancholy contrast which set off with still greater lustre the parliamentary virtues. "The officers took pride in the profligacy of their language and their lives; and the common soldiers were, out of the field, a disorderly and dissolute rabble." †

* Godwin, i. 464.

† History from Mackintosh, v. 363.

What could the king's superiority in numbers, or his many other advantages, avail against this single circumstance alone? Most wisely had Vane and Cromwell judged. The royalists were doomed to fall in the first great battle.

The single danger to be apprehended does not seem to have hitherto in any way occurred to Vane. To have suspected the virtue of the great soldier of the cause he had most at heart, to have doubted the reality of Cromwell's republican fervour and enthusiasm, would have been equivalent to a surrender of the high faith and hope which sustained him in the mighty struggle he was engaged in.

The army of the new model marched resolutely on against Charles. His head-quarters were at Oxford; he had a preponderance in the midland counties; was master in almost the whole of the western districts; had power in the north; and was complete master of Wales. In a few short weeks he was helpless! The new leaders in whom the power was vested struck at once against Charles himself, and kept him in pursuit. He had moved from Oxford in a northern direction, with a view, it is supposed, to co-operation with Montrose. The Scottish army advancing to the south, impelled by the English leaders, raised the siege of Carlisle, and interposed to foil his plan. Fairfax meanwhile had sat down before Oxford. Charles upon this at once turned back, and with considerable vigour and resolution assaulted the garrison of Leicester. Alarmed for the safety of the eastern counties, Fairfax immediately raised the siege of Oxford, and resumed his pursuit of Charles, who had moved from Leicester, fixed his head-quarters at Daventry, and betaken himself to the pleasures of the chase, while his soldiers ravaged and plundered the neighbouring country. Fairfax gradually and silently advanced, was joined by Cromwell near Northampton, and they both together took Charles by surprise near the fatal town of Naseby. At eleven at night a council of

war was summoned in the royalist camp; and with that careless and courageous gallantry which, whatever their other vices may have been, always distinguished the aristocratic officers of Charles's army, it was resolved, notwithstanding their critical position, "not only to give, but to advance and offer, battle."

The armies met, at Naseby, upon a fallow field, about a mile in breadth. The king led his centre in person, and found himself opposite to Fairfax and Skippon. Rupert commanded on the right, and (appointed at Cromwell's request, and invested with rank for the occasion) Ireton fronted him. Sir Marmaduke Langdale, on the left, was opposed by Oliver Cromwell. The word of the cavaliers was "queen Mary" (Henrietta Maria),—of the parliamentarians, "God our strength." The royalists commenced the battle by advancing at a quick step, "with alacrity and resolution." * The van of the parliamentary centre was broken by the charge, and the troops fell back upon the rear, as they had been commanded, in such necessity, to do. Skippon was severely wounded by a shot in the side, and Fairfax desired he would leave the field. But "the brave old man (says Rushworth) answered, 'he would not stir so long as a man would stand,' and kept the field to the end of the battle." Fairfax now advanced himself with a body of reserve, and the battle raged anew. Not content to exercise the functions of a captain, Fairfax grappled personally with the foe, galloped through the thickest of the fray, encouraged by dauntless example the brave, and shamed the timid, if any such were there. His helmet was beaten to pieces, but he continued to ride about bareheaded, and in this state happening to come up with his body-guard, commanded by colonel Charles Dooley, the latter respectfully rebuked him for thus hazarding his person, "wherein lay the safety of the whole army and of the *good cause*, to be riding bare-headed among the showering bullets," at the same time

* Rushworth. Hist. from Mackintosh.

offering him his own helmet. Fairfax put it by, saying, "'T is well enough, Charles." *

The battle meanwhile had assumed a terrible aspect on either wing. Rupert began with his usual impetuosity, and bore down his adversaries in spite of the astonishing resistance of Ireton; while Ireton himself, wounded in the thigh with a pike, in the face with a halberd, having at the same time his horse killed under him, was made prisoner, though he afterwards escaped back to the parliamentarians. But now, while Rupert pursued the flying horse of the parliament, and afterwards vainly amused himself with summoning their park of artillery, Cromwell was deciding the fortune of the day (according to his custom) on the right wing. He attacked sir Marmaduke Langdale, first with a close fire of carbines, next at the sword's point; broke and routed his cavalry, and drove them a mile from the field of battle, wholly beyond the possibility of further concert with the royalist infantry. Then, with that consummate prudence which outshone even his extraordinary valour, the victorious Cromwell, unlike the victorious Rupert, returned to the aid of his struggling commander, and falling on Charles's weary infantry, put them to instant rout. One regiment alone preserved its order unbroken. "One royalist corps," says Rushworth, "stood like a rock, and though twice desperately charged, would not move an inch." At last however, Fairfax, directing Doyley to make a third charge in front, simultaneously attacked them in the rear, pierced them in all directions, and, slaying an ensign with his own hand, seized the colours, and gave them to a common soldier to hold. The soldier, unable to resist the temptation, boasted among his comrades that he had seized those colours himself, and the boast went back to Fairfax. "Let him retain the honour," said that great general, "I have enough beside."

The king behaved with his accustomed bravery.

* Life of Fairfax, in Hartley Coleridge's *Biographia Borealis*—a most interesting and charmingly written book. And see Whitelocke, June 14.

When he saw his infantry routed and his affairs so desperate, he placed himself at the head of what remained of his cavalry, and implored them to stand the coming shock. "One charge more," he cried, "and we recover the day." It was vain; they were not in a condition to do it; Rupert had joined them too late; they fled, and left Fairfax and Cromwell masters of the field. Two thousand men had been slain,—nearly an equal number on both sides. But Charles left behind him 5000 prisoners, of whom 1000 were officers, his whole artillery, a hundred stand of colours, with the standard royal, the king's baggage, with the cabinet containing his private papers and correspondence with the queen, the baggage of the army, including the plunder of Leicester, the royal coaches, the whole spoil of the camp, everything! The first civil war was decided by that memorable day, and the disclosure of all the treacheries and infidelities of the king's correspondence*, was a weapon in the hands of the independent leaders which, until the very termination of the struggle, they used with terrible effect.

Such was the first memorable result of Vane's great policy in the matter of the self-denying ordinance and the new model; and for that reason this battle has been detailed. In the field of civil polity, he was meanwhile pursuing other objects of scarcely less importance.

He had now directed his attention to the state of the representation in the house of commons. The civil war had necessarily purged that house of the royalist members, and also of others who had selected the policy of

* It appeared, among other things, on the publication of this correspondence, that at the Oxford treaty he had secretly registered in the council book his protest that, in calling the lords and commons at Westminster a parliament, he did not acknowledge them as such; that he looked upon them as banded traitors, to whom he owed neither forgiveness nor good faith; that he termed his own followers, of both houses, assembled at Oxford, a "base," "mutinous," "mongrel parliament;" that he designed bringing into England an army of Roman-catholics from Ireland, and a foreign army under the duke of Lorraine, a popish prince—contrary to his express and solemn word. History from Mackintosh, vi. 2. And see Journals and Parliamentary History—or the 5th vol. of the Harleian Miscellany.

temporising or of observing a strict neutrality. The war itself had been attended with memorable vicissitudes ; for, as we have seen, in the winter of 1642, and in the autumn of 1643, expectations even ran strongly in favour of the success of the royal party ; and it was the natural consequence of these vicissitudes to cause further desertions. The precise number of the house of commons, according to the returns in 1640, appears to have been 506. The highest numbers that are to be observed upon any division, occur on the 1st of March following, and amount, taken together, to 383, including the tellers.* About the time of the king's declaration, after the war began, that only 80 of the 500 commons, and only 15 or 16 of the 100 peers remained, the divisions certainly ran very low ; but this was accident, and " could only be used to colour a party declaration." On the 9th of February following, the numbers rose as high as 201. We have seen that the numbers were nearly as great upon a vote respecting the self-denying ordinance in December, 1644. At the time of assembling the mock, or as Charles himself called it, the " mongrel," parliament at Oxford, on the 22d of January in that year, the commons ordered a call of the house, which took place on the same day that the king had fixed for his followers at Oxford, and the numbers appear to have been divided as follow : 280 members answered to their names at Westminster ; 100 were excused, as being absent in the service of parliament in their several counties ; and 118 at Oxford, signed the letter to Essex of the 27th of the same month, calling on him to interpose for the restoration of peace. There are, therefore, only eight individuals unaccounted for in this computation.†

It is scarcely necessary to observe, that one of the conditions of the civil war was to impose on the house of commons itself the necessity, unavoidable in such a

* See Godwin's History, ii. 25. et seq.

† See the Journals. Whitelock, p. 80. Rushworth, v. 573. And Godwin, ii. 27.

state of revolution, of declaring such persons as were most forward to engage in hostilities against them, disabled from sitting thereafter in that parliament; and in all the earlier instances this vote of disability had been accompanied with the direction that a new writ should be issued for filling up the place of the member thus declared incapable. But here the affair stopped. Agreeably to the customary forms, the speaker issued his warrant to the clerk of the crown in chancery for the granting a new writ, so the originating of which the great seal was necessary; but the lord keeper had carried off the great seal to the king at York, in May, 1642; therefore the order to the speaker had necessarily miscarried; and from this time the question of introducing new members seems to have lain untouched, until the 30th of September, 1644. On that day it was voted by the commons that the house should on a future day that was specified, take the subject into consideration. The actual decision on the question, however, was from time to time deferred*; and it was not till the August of the following year that any progress was made. It was so managed, that a petition was at that time presented from the borough of Southwark, praying that they might be authorised to elect two fresh representatives in the room of the first they had; one of whom was dead, and the other disabled by a vote of the house. This served as a signal for entering on a proceeding, which had certainly, by Vane, Saint John, and the other leaders of the independents, been already determined on. On the 21st it was decided by a majority of three, that new writs should be issued for Southwark, Bury St. Edmunds and the cinque port of Hythe. This beginning was speedily pursued: 146 new members were introduced into the parliament in the remainder of the year 1645, and 89 in the course of the following year. Among those at present introduced, we find the most honest, virtuous, and every way illustrious

* Godwin, ii. 36.

names of Fairfax, Blake, Ludlow, Algernon Sidney; Ireton, Skippon, Massey, and Hutchinson. *

This, then, was another victory for the independents. The presbyterians and the Scots commissioners, however, disabled in a great part by the turn events had taken since the new modelling of the army, and astonished, beyond pleasure, at the decisive victory of Naseby, began to see the necessity of resorting to some expedient of rallying their strength, which, judiciously managed, was still superior in numbers. While they bethought themselves of what they must do, Cromwell's letter after the battle of Naseby was read from the chair. "Honest men," he wrote, "have served you faithfully in this action. I beseech you, in the name of God, not to discourage them. He that ventures his life for the liberty of his country should be left to trust God for the liberty of his conscience." The old question again started up; the presbyterians insisted on their claims of an exclusive and intolerant church discipline; the independents met them with all the force of conscious reason, and the accession of that reputation for it which recent military events had given them. A second sort of accommodation was effected, and the parties once more rested for a while.

Charles, defeated and almost helpless, was now at Oxford. He felt the necessity of taking some step for personal safety; he saw it was impossible that another army could be got together, and was casting in his own mind the relative advantages of throwing himself upon London for a treaty, or of making the best of his way to the Scottish army in the north. Here the striking attitude taken by Vane and the independents appears to have affected him once more, and he proposed to Ashburnham to sound the independents through Vane. Two letters remain in the Clarendon state papers, addressed in the king's name by Ashburnham to Sir Harry Vane the younger. In these he pledges himself, that if

* Ludlow, i. 169—70. Godwin, ii. 41. Notitia Parliamentaria.

presbytery were insisted on, he would join Vane and the independents with all his powers in "rooting out that tyrannical government." No answer on the part of Vane has been found. It is likely that he returned no answer.* It was impossible that a mind so subtle and acute could have brought itself to place confidence in the good faith of such a proposal. In the Naseby disclosures it had been made manifest that professions and protestations cost Charles nothing; that he held every thing fair that was done in negotiating with an enemy; that he never talked of peace, but with a crafty intention; "and that he never made a concession that he was not at the time considering how he should retract it."

The incident only testified to the strength of Vane's influence and party. A passage from Whitelock's memorials of this period may be quoted for the same purpose: under the dates of October the 15th and 20th, he states, in one instance, "I lived with," in another "I dined with, Sir Henry Vane, Mr. Solicitor (St. John), and other grandees of that party, and was kindly treated by them, as I used to be by the other." The cautious lawyer, though voting on questions of religious liberty with Vane and St. John, had evidently never before committed himself thus far.

The king's spirit of intrigue, however, was irresistible. His object was by some means or other to force himself into London, where he trusted his presence might work some kind of miracle in support of his prostrate cause. To this end he made the following extraordinary proposal of a treaty: — that he himself should come to London with 300 followers, under the assurance and security of the two houses of parliament, the commissioners for Scotland, the corporation of the metropolis, and the chief commanders of the English and Scotch armies, for forty days; at the expiration of which he should be free to repair, at his own choice, to his garrison of Oxford, Worcester, or Newark. In the same

* A misapprehension of the whole of this incident by Dr. Lingard is ably pointed out and corrected in the History from Mackintosh.

message he repeated his Uxbridge proposition, that the military power should be vested for three years in commissioners, to be nominated half by himself and half by the parliament, or in any other way that might be satisfactory to both parties. To render the point more intelligible, the king tendered in his message the names of thirty persons for commissioners, and among them were the names of Vane, Fairfax, Cromwell, and Hollis. This was the falsest proposal he had yet made, and the independent leaders at once detected its falsehood. It was merely one of the old resources to strive to place the parliament, if possible, in a false position. In the very midst of the subsequent measures he took to advance the same object, it was afterwards found he had written thus to Digby:—"Now for my own particular resolution, I am endeavouring to get to London, so that the conditions may be such as a gentleman may own, and that the rebels may acknowledge me king; being not without hope, that I shall be able so to draw either the presbyterians or independents to side with me for extirpating one the other, that I shall be really king again. I will conclude with this assurance, that whatsoever becomes of me, by the grace of God, I will never forsake the church, my friends, nor my crown."

It would be tedious, and it is unnecessary, to follow the course of events after this period, through the various changes which carried Charles to the Scotch camp, which subsequently induced the Scots to surrender him to the parliament, and which ended in the violent struggles between the presbyterian and independent parties in the house of commons, as to the final disposal of his person and dignity, and the new settlement of the government of the kingdom.

Clarendon has two remarks in his history, which may be properly introduced here. He observes of the discomfort of the Scotch commissioners after the decision of the first civil war:—"They had long had jealousy of Cromwell and sir Henry Vane, and all that party; which they saw increased every day, and grew

powerful in the parliament, in the council, and in the city. Their sacred vow and covenant was mentioned with less reverence and respect, and the independents, which comprehended many sects in religion, spake publicly against it; of which party Cromwell and Vane were the leaders, with very many clergymen, who were the most popular preachers, and who in the assembly of divines had great authority: so that the Scots plainly perceived, that though they had gone as far towards the destruction of the church of England as they desired, they should never be able to establish their presbyterian government, without which they should lose all their credit in their own country, and all their interest in England."* And in a subsequent passage of singular incorrectness, he adds: — "The truth is, though that party was most prevalent in the parliament, and comprehended all the superior officers of the army (the general only excepted, who thought himself a presbyterian), yet there were only three men, Vane, Cromwell, and Ireton, who governed and disposed all the rest according to their sentiments; and without doubt they had not yet published their dark designs to many of their own party, nor would their party, at that time, have been so numerous and considerable, if they had known, or but imagined, that they had entertained those thoughts of heart, which they grew every day less tender to conceal, and forward enough to discover."†

Upon this it is worth while to enquire what these "dark designs" were — that are here imputed to Vane. The lesson in politics which his life illustrated and enforced cannot be studied too well, and it has never yet been exhibited in that most impressive form which it assumes, when, upon the great actions of his life, the rarer political writings he left behind him throw the light of their eloquence and wisdom.

The majority of historians speak of Vane as a purely theoretical republican, with great wisdom in the means he

* Vol. v. p. 15, 16.

† Ibid. p. 345.

employed, but with the utmost absurdity in the ends he aimed at—in a word, the owner of a political faith not reducible to this world, and only made up of wildness and extravagant enthusiasm. Such are the convenient opinions, with the help of which disagreeable conclusions of another sort are sought to be kept at distance !

A theoretical republican Vane was not, if it is attempted to be shown by this, that the motive of his public exertions was merely a preconceived idea of the abstract excellence of that form of civil society. What Vane sought was good and popular government, extensive representation, freedom of thought, freedom of the press, and perfect liberty of conscience. Because he could not find these under a monarchy, he became a republican ; but under a monarchy he would have been content with these. Practical and protracted experience of the utter impossibility of bringing Charles to terms of good faith, was the origin of Vane's devotion to a republic. Having once embraced that faith, he pursued it with all the earnestness and enthusiasm of his character, but never for a single instant lost sight of the practical reasons out of which it had sprung up in his mind, or of the wise design of preserving all its new institutions, in so far as possible, in correspondence with the fundamental laws and usages to which Englishmen had been for centuries accustomed, and under which, in their purer shapes, they had grown in virtue, in civilisation, and in power.

In an *Essay on Government*, which was left among his papers at his death, he lays down a philosophical maxim which few will be bold enough now-a-days to dispute : "Ancient foundations, when once they become destructive to those very ends for which they were first ordained, and prove hinderances to the good and enjoyment of human societies, to the true worship of God, and the safety of the people, are for their sakes, and upon the same reasons to be altered, for which they were first laid. In the way of God's justice they may be shaken and removed, in order to accomplish the counsels of his

will, upon such a state, nation, or kingdom, in order to his introducing a righteous government of his own framing." * When he stood in the court of king's bench upon his trial, he laid down another proposition, on which, he said, all his actions had been grounded, and he challenged the judges, 'with eloquent and unanswerable subtlety, to contradict it if they could. It was, that the very root and origin of monarchical government in England, was the assent of the people through their representatives, or in other words, the so horrible and terrifying republican principle.

"However I have been misjudged and misunderstood, I can truly affirm that in the whole series of my actions, that which I have had in my eye hath been to preserve the ancient well constituted government of England on its own basis and primitive righteous foundations, most learnedly stated by Fortescue in his book, made in praise of the English laws. And I did account it the most likely means for the effecting of this, to preserve it at least in its root, whatever changes and alterations it might be exposed unto in its branches, through the blustering and stormy times that have passed over us.

"This is no new doctrine, in a kingdom acquainted with political power, as Fortescue shows ours is, describing it to be in effect, the common assent of the realm, the will of the people or whole body of the kingdom, represented in parliament. Nay, though this representation, as hath fallen out, be restrained for a season to the commons house in their single actings, into which, as we have

* In another passage, he states, with unanswerable force: — It was ordinary amongst the ancients, not only to change their governors, but government also. If one race of kings be lawfully deposed, they are not wronged by change of government, and who else can be? It is so natural and fundamental a right in people to have and to use such a liberty, that we may do well to consider whether they have any right to give it out of their hands, unless it be lawful to contradict the law of nature, the true end of all government in human societies, turn their own reason out of doors, and so turn beasts for their governors to ride on. That the Jews, Greeks, and Romans, the wisest states in the world, have over and over used this liberty of changing their government, as they saw occasion, and that often with very good success, is undeniable. Were it unlawful for a state in any case to depose and remove kings, what titles have any monarchs now upon oath to their crowns, that are descended of those who were elected into the room of such as the people deposed?"

seen, when by the inordinate fire of the times, two of the three estates have for a season been melted down, they did but retire into their root, and were not hereby in their right, destroyed, but rather preserved, though as to their exercise laid for a while asleep, till the season came of their revival and restoration."

Shortly before his death, while imprisoned in one of the isles of Scilly, he made a more elaborate statement of his views on this point, and of the justifications which he conceived the people and their leaders to have had, in their attempts to alter the monarchical institutions. This remarkable treatise was entitled "The People's Case Stated." At the commencement of it, he lays down, in language which bears no evidence of wildness or impatience of just restraint, the following rules:—"The end of all government, being for the good and welfare, and not for the destruction of the ruled, God, who is the institutor of government, as he is pleased to ordain the office of governors, intrusting them with power to command the just and reasonable things which his own law commands, that carry their own evidence to common reason and sense, at least, that do not evidently contradict it, so he grants a liberty to the subjects, or those that by him are put under the rule, to refuse all such commands as are contrary to his law, or to the judgment of common reason and sense, whose trial he allows, by way of assent or dissent, before the commands of the ruler shall be binding or put in execution; and this in a co-ordinacy of power with just government, and as the due balance thereof: *for*," he adds, in words of deepest truth and significance, "*the original impressions of just laws are in man's nature, and very constitution of being.*"

From the foregoing proposition, a condition of government is then established thus:—"God doth allow and confer by the very law of nature, upon the community or body of the people, that are related to and concerned in the right of government placed over them, the liberty, by their common vote or suffrage duly given,

to be assenters or dissenters thereunto, and to affirm and make stable, or disallow and render ineffectual, what shall apparently be found by them to be for the good or hurt of that society, whose welfare, next under the justice of God's commands and his glory, is the supreme law and very end of all subordinate governing power. Sovereign power then comes from God, as its proper root, but the restraint or enlargement of it, in its execution over such a body, is founded in the common consent of that body. The office of chief ruler, or head over any state, commonwealth, or kingdom, hath the right of due obedience from the people inseparably annexed to it. It is an office, not only of divine institution, but for the safety and protection of the whole body or community, and therefore justly and necessarily draws to it, and engages their subjection." The logical force of this passage is only equalled by its philosophic sobriety. Subsequently he carries out his premises into the following eloquent statement of the proper source of the best form of government, in which, it will be seen, the character of his religious opinions, as I have endeavoured to describe them, receives very striking illustration. "The highest judgment and will set up by God, *for angels and men in their particular beings, to hold proportion with, and bear conformity unto* (in the capacity of ruled, in relation to their chief ruler), *shines forth in the person of Christ, the engrafted Word.* And when by the agreement or common consent of a nation or state, there is such a constitution and form of administration pitched upon, as in a standing and ordinary way, may derive and convey the nearest and greatest likeness in human laws, or acts of such a constitution, unto the judgment and will of the supreme legislator, as the rule and declared duty for every one in that society to observe; it is thereby, that government or supreme power comes to receive being in a nation or state, and is brought into exercise according to God's ordinance and divine institution. *So then, it is not so much the form of the administration, as the thing administered, wherein the good or evil of government doth*

consist; that is to say, a greater likeness or unlikeness unto the judgment and will of the highest Being, in all the acts or laws, flowing from the fundamental constitution of the government."

The legal restraints placed for these objects on the office of king are then clearly stated, after which, Vane adds—"The contrary hereunto was the principle at bottom of the king's cause, which he endeavoured to uphold and maintain, in order to decline and lay aside the legal restraints as aforesaid, which the government of England, by the fundamental constitution, is subjected unto, as to the exercise and ministry of the royal office. From the observation and experience which the people of England had, and made many years together, by their representatives in parliament, of a desire in the king to shake off these legal restraints in the exercise of the regal power; and on their having tried the best ways and means that occurred to their understandings, to prevent the same, and to secure to themselves the enjoyment of their just rights and liberty; they at last pitched upon the desiring from the king, the continuance of the sitting of the parliament called November 3. 1640, in such sort as is expressed in that act, 17 *Car.* wherein it is provided 'that it shall not be discontinued or dissolved, but by act of parliament.'" This act, however, he proceeds to argue, did not in itself dissolve their allegiance, or give the people back their original right to erect a new government, until after, all reasonable efforts failing, war had been resorted to, and the decision given:—"Such appeal answered, and the issue decided by battle, the people's delegates still sitting, and keeping together in their collective body, may of right, and according to reason, *refuse the re-admission or new admission of the exercise of the former rulers, or any new rulers again over the whole body, till there be received satisfaction for the former wrongs done, the expense and hazard of the war, and security for the time to come, that the like be not committed again.* Until this be obtained, they are bound

in duty, in such manner as they judge most fit, to provide for the present government of the whole body, that the common weal receive no detriment." * He admits the sacredness of an oath of allegiance to a sovereign, and argues with great force and eloquence, that it is only an utter abuse of the kingly trust that can relieve the subject from it, but he *will* be utterly relieved in that case, he adds, "especially if, together with such breach of trust, both parties appeal to God, and put it upon the issue of battle, and God give the decision; and in consequence thereof, that original right be asserted, and possession thereof had and held for some years, *and then not rightfully lost, but treacherously betrayed and given up by those in whom no power was rightfully placed.*"

These, then, are the "dark designs." of Vane — this is the wild and visionary enthusiast! He sought to achieve for the English people; *for us, his posterity*, the blessings of a government responsible to the governed, the basis of which was to be security for person and property, and perfect and uncontrollable freedom in all matters appertaining to the conscience and intellect. Failing of this object in that day under a monarchical form, he struck for a republic. This was his only crime, — the sum of his "dark designs."

But alas! for one person among the good citizens of London, at the close of the civil war, who could think with Vane, there were fifty who preferred to think, on these particular points, with Clarendon. The presbyterians had once more rallied in this strong hold of their power. They clamoured for a presbyterian settlement.

* In another work he expresses the same doctrine thus: — "All contrariant actings against the prince, are not to be accounted a resisting of the power; especially when the whole state is concerned, and the business is managed by public trustees, called and authorised by law, as conservers of the state, and defenders of the public liberties and laws thereof. In such a public capacity, to stand in the gap when a breach is made, and hinder any charge or attempt that would ruinate the state, is duty. In such case, they ought to withstand and hinder the violent proceedings of any, either by way of justice in a legal trial, or by force. For the prince is not master of the state, but only a guardian and defender thereof, from injuries and evil." — *Treatise on Government*.

They seemed to have altogether forgotten such things as a reform of political institutions, or an establishment of public rights and liberties. A petition had been secretly got up by the presbyterians in the name of the city*, and was now carried into parliament—praying for strict religious conformity, for subscription to the covenant, and for the dissolution of the army. It was only preliminary to a more decisive movement on the part of the presbyterians. The reduction of the army to a peace establishment was proposed in the house of commons on the 9th of February. The dismantling of the garrisons in England and Wales, with the exception of forty-five; and the reduction of the army, after drafts of horse and foot for the service of Ireland, to about 5000 horse, to maintain public tranquillity, and the force of infantry required for the reserved garrisons; were carried after earnest and long debate—in which Vane used all his influence and eloquence against the motion,—and carried too without due provision for arrears of pay. It was voted, also, that no member of parliament should have a military command; that there should be no officer of higher rank than that of colonel, with the exception of Fairfax; and that every officer should take the covenant, and conform to the presbyterian ordinance in religion:—in other words, all security for the triumphs that had been won for the people were recklessly voted away, and the people's bravest soldiers, Cromwell, Ireton, Ludlow, Algernon Sydney, Skippon, Blake, and Hutchinson, were insolently dismissed from their service. Fairfax himself was only retained on a division, by 159 to 147.

Mr. Godwin has, at this passage of history, given way to no inappropriate strain of melancholy enthusiasm.

* A very memorable counter-petition was subsequently set afloat by the independents—demanding some startling reforms, which exhibited revolution and republicanism unmasked. It remonstrated against the payment of tithes; the hardships of enforced religious conformity, the insolent contumely with which presbyterians designated those who would not conform to the presbytery; the mischief of the house of lords; and was addressed to the *supreme* authority of the nation in the *commons* house of parliament.—*Hist. from Mackintosh.*

"Here," he says "we have a striking illustration of the uncertainty and versatility of human affairs. Cromwell, Ireton, St. John and Vane, were four of the ablest statesmen that ever figured upon the theatre of any nation. They were engaged to the measures they undertook by the strongest motives that could animate and excite the heart of man. They, and they only, had been principally concerned in conducting an arduous war to a successful termination. Other men had felt deeply and fought nobly; but it was they who created the army by which the victory was secured. Finding their influence not sufficiently triumphant in the house of commons, they had resorted to the admirable expedient of setting on foot new elections for those places in England, which, in the lapse of years, and by the events of a civil war, were found unrepresented; and this measure had, for a time, answered every purpose to them that their fondest wishes could have anticipated. Their adversaries were men of ordinary capacities; Hollis and sir Philip Stapleton, the nominal leaders of the presbyterians, would probably never have been heard of in history, had they lived in a more tranquil period. Yet all these advantages possessed by the heads of the independent party, proved fleeting and illusory. The very circumstance of the great success and superlative talents of these men, had a tendency to render them objects of jealousy to coarse and vulgar minds. Hollis says, 'Though the greater part of the new members came into the house with as much prejudice as possible against us, yet, when they came to sit there themselves, and see with their own eyes the carriage of things, this made them change their minds, and many of them to confess and acknowledge that they had been abused.' Such is the almost unavoidable course of things in modern times, and among what is called a sober people. The men of the last four centuries in civilised Europe have been found capable of being strongly excited, and susceptible of a tone of fervour and enthusiasm. But this is to them an unnatural state, and they speedily

subside into their constitutional quietude. There are but few of us that can even image to ourselves an excitement and elevation that, as in the instances of Greece and Rome, lasted for centuries. Talk to the men of later times of sobriety and moderation, and they will soon show that they prefer that lore to the sublimer style of heroism and virtue, of self-sacrifice and expansive affections. We are sons of the fog and the mist. The damp and flagging element in which we breathe becomes part of ourselves: we turn speculative men and calculators: timorous prudence and low circumspection fix their stamp on all we do. Our 'charity begins at home,' and fixes its attention emphatically on our own interests, or our own firesides. We dare not mount, at least from the impulse of feeling, into an ethereal region, lest we should break our necks with the fall. To men formed in this mould, the representations of such persons as Hollis and Stapleton, 'the moderate party,' as they loved to denominate themselves, are almost sure to prove irresistible.*

Vane's position was that of the greatest difficulty. He felt that he must now throw his party upon the great body of the army for support, to a more absolute degree than he had contemplated hitherto. It will be worth while, before proceeding further, to show what character of men these soldiers were. Whitelocke describes thus the troops raised by Cromwell:—"He had a brave regiment of horse of his countrymen, most of them freeholders and freeholders' sons, and who, upon matter of conscience, engaged in this quarrel. And thus, being well armed within by the satisfaction of their own consciences, and without by good iron arms, they would as one man stand firmly, and fight desperately." Baxter says of them, in his life:—"At his first entrance into the wars he had a special care to get religious men into his troop: these were of greater understanding than common soldiers, and therefore more apprehensive of the importance and consequence of the war; and making, not

* Godwin, Hist. of Com. ii. 218—221.

money, but that which they took for the public felicity, to be their end, they were the more engaged to be valiant. They therefore proved such that, as far as I could learn, they never once ran away before an enemy." The fiercely royalist Bates, in his "*Elenchus Motuum*," speaks of them thus:—"Cromwell invited all the honest men (as he was pleased to call them) to take on with him. Wherefore independents, anabaptists, and the sink of fanatics, came flocking to him, who, in the beginning, were unskilful both in handling their arms, and managing their horses. But he used them daily to look after, feed, and dress their horses, and, when it was needful, to lie together with them on the ground. He besides taught them to clean, and keep their arms bright, and ready for service; to choose the best armour, and arm themselves to the best advantage. Trained up in this kind of military exercise, they excelled all their fellow soldiers in feats of war, and obtained more victories over their enemies." "And these men," observes another royalist, sir Philip Warwick, "habited more to spiritual pride than carnal riot and intemperance, so consequently, having been industrious and active in their former callings and professions, where natural courage wanted, zeal supplied its place. At first they chose rather to dye than flye; and custom removed the fear of danger." Of themselves, in a petition to the parliament, these men had spoken thus:—"We were not a mere mercenary army, hired to serve any arbitrary power of a state, but were called forth and conjured, by the several declarations of parliament, to the defence of our own and the people's just rights and liberties. To these ends in judgment and conscience we took up arms; and we are resolved to assert and vindicate these rights against all arbitrary power, and all particular parties and interests whatsoever." * And lastly, when it was proposed

* In another petition, demanding payment of the arrears attempted to be withheld by the presbyterians, these men say:—"We hope that by being soldiers we have not lost the capacity of subjects,—that in purchasing the freedom of our brethren, we have not lost our own." They assert the justice of their demand of the payment of arrears to themselves, not as

to disband these very forces, immediately after the restoration, lord Clarendon, who could speak the truth only when the truth answered his purpose, spoke of them and their exploits in these words:—"His majesty consents to the measure. Yet, let me tell you, no other prince in Europe would be willing to disband such an army: an army to which victory is entailed, and which, humanly speaking, could hardly fail of conquest whithersoever he should lead it: an army, whose order and discipline, whose sobriety and manners, whose courage and success, have made it famous and terrible over the world." *

It was no common army this—it was a band of men who had taken up arms for a great public cause, and who had a right to some influence, and that not inconsiderable, in the right direction of the victories won by their own valour, for the security of their own homes. In this view it is certain that Vane now countenanced the seizure of the king by Joyce, and Fairfax's march to London for the purpose of overawing the presbyterians. Hitherto he had no distrust of Cromwell. The exertions of that great soldier in this crisis had been all republican in their tendency, since in favouring, or at least not resisting, the organisation of the agitators and other military councils, he was raising up the very worst instrument of despotism—an armed and enthusiastic democracy.

The disgraceful London riots in favour of the presbyterians, completed the sorry work set on foot by that party, and determined Vane's last scruples. He took the opportunity of removing with several other members, and the speakers of both houses, to Fairfax's camp at Hounslow, and as he afterwards rode with that general along the line of the troops, was hailed and

"mercenaries whose end was gain" but as men "who had abandoned their estates, trades, callings, and the contentments of a quiet life, for the perils and fatigues of war in defence of the public liberty."

* In the History of the Commonwealth, ii. 152—155, the reader will find this subject treated.

cheered with enthusiasm. A few days after, Vane and Fairfax, the two speakers, with the other seceding members, met at Holland House Kensington, and proceeded to Westminster, where the presbyterians, feeling themselves once more defeated by a consummate stroke of policy on the part of their adversaries, while a melancholy and mischievous effort had been made by themselves, were unprepared to offer any further present resistance. In Hyde Park they received even the congratulations of the lord mayor and aldermen, and at Charing Cross the common council stood ready to receive them! Colonel Hammond's regiment of foot, and Rich's and Cromwell's regiments of horse, led the procession, which was closed by Tomlinson's regiment of horse. On the following day the whole army, with its artillery, marched through London, "but in so civil and orderly a manner, that not the least offence or prejudice was expressed by them towards any man, either in words, action, or gesture." The procession had no sooner reached Palace Yard, than Fairfax alighted, and retired into a private house, while the lords and commons proceeded to their respective places of assembly. Manchester and Lenthall took the chair in each house; and the proceedings commenced with a report from the commissioners of the parliament, appointed to reside with the army (that in the house of commons was made by Vane) of the transactions of the last preceding days. Fairfax was then successively introduced into each house, and received their thanks for what he had done. He was at the same time by their joint vote made constable of the Tower of London.*

The king's ill-judged flight from Hampton Court, once more altered the position of affairs. The first treaty at the Isle of Wight, and the treachery of Charles with the Scots commissioners will be more appropriately glanced at in the memoir of Henry Marten. The day after the parliamentary commissioners returned, the

* Hist. of Com. ii. 386—7.; Rushworth; Whitelocke.

celebrated vote of non-addresses was passed, equivalent to a resolution for the settlement of the kingdom without further recourse to the king. The events which followed, and had the effect of lifting up the presbyterians once more; the riots in the various English counties, and the advance and defeat of the Scotch army; the famous petitions and proposals of Fairfax and his officers; will also have fitter illustration in the notice of Marten's important participation in these measures. Vane seems to have held himself as much as possible in the position of being able, at a crisis, to negotiate between the commons and the army, secure that his party in the house would once more feel ascendancy and power upon the final crushing of the "second civil war."

The personal treaty at the Isle of Wight was now arranged; Vane was appointed one of the chief commissioners, and represented the independent or (now) republican party. Hollis and others represented the presbyterians. Several peers attached to the parliament were also present, and Charles was attended by forty-two friends and advisers. The interviews and debates were spun out from the 18th of September to the 27th of November, 1648. In the course of them Charles showed much ability, and Vane, who had, as he says, "believed him to be a very weak person," took occasion to acknowledge "that he had been deceived," for that he had found him "a man of great parts and abilities."* Such a feeling would be naturally apt to overrate itself by comparison with a previous unjust impression.

The result of the treaty was a concession of the militia by Charles, with the secret reservation to retract it†; but he afterwards took his stand upon two points—a claim for "the divine institution of the bishops," and for indemnity to all his friends. Hollis and the other presbyterians implored him on their knees, with tears in their eyes, to concede these also. He refused. "The truth is," says Clarendon, describing the treaty,

* Sir Edward Walker, p. 312.

† Hist. from Mackintosh, vi. 105.

"there were amongst the commissioners many who had been carried with the violence of the stream, and would be glad of those concessions which the king would very cheerfully have granted; an act of indemnity and oblivion being what they were principally concerned in. And of all the rest, who were more passionate for the militia, and against the church, there was no man, except sir Harry Vane, who did not desire that a peace might be established by that treaty. For as all the other lords desired, in their own natures and affections, no more than that their transgressions might never more be called to remembrance, so the lord Say himself (who was as proud of his quality, and of being distinguished from other men by his title, as any man alive) well foresaw what would become of his peerage, if the treaty proved ineffectual, and the army should make their own model of the government they would submit to (as undoubtedly they resolved shortly to do); and therefore he did all he could to work upon the king to yield to what was proposed to him, and afterwards, upon the parliament, to be content with what his majesty had yielded." It was well for the men who preferred their titles to their country, to argue thus, but the younger sir Henry Vane remained to the last "among the faithless faithful."

Charles had again thought of escape and of revenge, when he rejected the kneeling and weeping presbyterians: the army now seized his person once more, and closed his hopes on that head for ever. Meanwhile, a terrible remonstrance calling for justice on him as "the capital source of all grievances," had been carried into the house of commons, where the presbyterian majority, again mustering, strove to parry it by successive remonstrances. The army, upon this, sent in a more determined declaration, that unless justice were suffered to prevail, they would purge the house and put a stop to the treaty. At this crisis, the 1st of December, 1648, the commissioners from the Isle of Wight reported Charles's answers, and Hollis moved that

they should be declared satisfactory. To the astonishment of Vane, Fiennes supported that motion, but the extract from Clarendon respecting Fiennes' father, Lord Say, explains the marvel.* The debate lasted one day, and its further consideration was adjourned to the next by a majority of 133 to 102. Vane saw that the crisis he had striven so long to avert had arrived at last, and he prepared himself for one great and final effort to surmount it. The speech he delivered on the resumption of the debate on the second day is unfortunately only left to us in the equivocal pages of Clarendon. That it must have been very masterly, however, we can discern even there, and we discern in it also, the first frank and resolute statement of the question as between monarchy and a republic.

"Young sir Harry Vane," says Clarendon, "had begun the debate with the highest insolence and provocation; telling them, 'that they should that day know and discover who were their friends and who were their foes, or, that he might speak more plainly, who were the king's party in the house, and who were for the people;' and so proceeded with his usual grave bitterness against the person of the king and the government that had been too long settled; put them in mind 'that they had been diverted from their old settled resolution and declaration that they would make no more addresses to the king; after which the kingdom had been governed in great peace, and begun to taste the sweet of that republican government which they had intended and begun to establish, when, by a combination between the city of London and an ill-affected party in Scotland, with some small contemptible insurrections in England, all which were fomented by the City, the houses had, by clamour and noise, been induced and compelled to reverse their former votes and resolution, and enter into a personal treaty with the king, with whom they had not been able to prevail, notwithstanding the low condition

* This was first pointed out in the History from Mackintosh, in reply to doubts of Godwin and Lingard.

he was in, to give them any security ; but he had still reserved a power in himself, or at least to his posterity, to exercise as tyrannical a government as he had done ; that all the insurrections which had so terrified them were now totally subdued ; and the principal authors and abettors of them in custody, and ready to be brought to justice, if they pleased to direct and appoint it ; that their enemies in Scotland were reduced, and that kingdom entirely devoted to a firm and good correspondence with their brethren, the parliament, of England ; so that there was nothing wanting but their own consent and resolution, to make themselves the happiest nation and people in the world ; and to that purpose desired that they might, without any more loss of time, return to their former resolution of making no more addresses to the king ; but proceed to the settling the government without him, and to the severe punishment of those who had disturbed their peace and quiet, in such an exemplary manner, as might terrify all other men for the future from making the like bold attempts ; which, he told them, they might see would be most grateful to their army, which had merited so much from them, by the remonstrance they had so lately published.' This discourse appeared to be exceedingly disliked, by that kind of murmur which usually shows how the house stands inclined, and by which men make their judgments there of the success that is like to be." * .

Some members seconded Vane with a hearty concurrence, among them Wroth, Wentworth, and Prideaux. It was urged on the other side by Prynne that the parliament was overawed by the army, and the question should be postponed. Another adjournment took place, and the debate was resumed next morning with increased vehemence. Six monarchists and twelve republicans are named as having spoken. The presbyterians, not venturing to persist in a vote that the king's answers were satisfactory, modified it into a resolution that they afforded " a ground for the house to proceed

* Vol. vi. pp. 199—201.

to the settlement of the peace of the kingdom." Prynne delivered a speech of several hours in the affirmative, with by his own account wonderful effect. It was carried on a division by a majority of 140 to 104. The lords readily concurred, and Vane's last hope of preventing a grosser injustice was for ever gone.*

The house was purged of the presbyterian majority on the following morning, by colonel Pride. That proceeding will be found described in the memoir of Marten. Vane alone, among all the independants and republicans, refused to share in a triumph obtained by such means. He had held a high sense of the claims of the army to be allowed to throw the weight of their opinions into the scale at a moment like the present, and while the state was itself in process of revolution : he had done his best in aiding them when on former occasions they had subdued the strength of the presbyterians by the inspiration of a just terror ; but this forcible exclusion of members, this absolute introduction of the sword into the house of commons, the scene of his best exertions for the people in the past, and the source of his best hopes for the people in the future, appeared fraught with a danger surpassing every other. He took the resolution at once to retire from public life. He could not oppose those with whom he had hitherto acted in such close union ; he knew not whether even now their motives might not be as pure as he held their conduct to be mistaken ; but in any case he could never lend to the act of lawless force they had committed the sanction of his character and name. He retired to Raby †, and took no further part in public life till after the execution of the king. ‡

It is a profound proof of Vane's political sagacity that he disapproved the policy of that great act. Upon

* History from Mackintosh, vi. 109.

† This castle had suffered in the wars, for the royalists made several attacks on it in compliment, it might be supposed, to its owner. Whitelocke describes one of them : — " The king's forces from Bolton Castle surprised Raby Castle, belonging to sir Henry Vane, but were again close blocked up by forces raised by sir George Vane." (July 7. 1645. p. 151.)

‡ The extraordinary incidents which filled up this interval, are detailed and discussed in the Life of Marten.

the question of its abstract justice he never delivered an opinion.

He left his private retirement, and again joined his old friends and associates * on the 26th of February, 1649. He had been most earnestly entreated to this step by Cromwell, and, it is likely, accepted that entreaty as a pledge of the purity of intention, with which it was designed to frame and carry out the government of the commonwealth. Nor was the request Cromwell's alone, though his still superior influence with Vane was the instrument to procure compliance. There was no leading man of the party that did not hold the sanction of the most eminent republican statesman to be the essential element of their new republic, or that would not have considered the outline of proceedings sketched hitherto† void and blank, had he refused to fill it up

* The omission of all mention of Vane's father, the elder Vane, still alive and taking a feeble part in public affairs with the men of the commonwealth, must not surprise the reader. He sank into a cipher beside the splendid talents of his son. It is seldom that one family has borne twin names of eminence in it. But the truth was, that old Vane was only fit for such service as he performed under Charles—he was barely tolerated among the independants for his son's sake.

† All those proceedings are described in the Life of Marten. "The truth is, this honourable gentleman, having absented himself from the parliament, upon that great change and alteration of affairs in the year 1648, lieutenant-general Cromwell, who sat upon the trial of the king, and encouraged the commissioners of the high court of justice to proceed to sentence, it being the general vote and desire of the army, that the king should be put to death, was importunate with this gentleman and used many arguments to persuade him to sit again in parliament, and in the council of state, and did at length prevail with him to come in." So writes Vane's friend Stubbe, in his answer to the calumnies of Baxter. Stubbe was one of the most eminent scholars of that or any other period, and was indebted for the first development of his talents to the regard and liberality of Vane. Another passage in his vindication of Vane from the attacks of Baxter is worth giving, as illustrating the contempt with which one of the "best abused" men of his time, which Vane certainly was, could afford, in the confidence of his character and virtue, to pass unnoticed all his wretched slanderers. I may mention that one of the ten thousand doggrel libels against him is preserved as a specimen in Appendix (C). "I presume," says Stubbe to Baxter, "he looks upon it as below him, and his great and weighty employments, to write any thing in his own vindication: he hath other business to look after, and not to spend his time about the passionate and rash scribbles of every biased and engaged person; and therefore I think it not amiss, having more leisure and opportunity, not so much from any private or personal respect which I bear to him, as my love to the commonwealth and public interest of these nations, which is owned and asserted by him upon just and honest principles, to clear up the innocence of that worthy knight, and to vindicate him, *though without his privity and knowledge*, from your lies and aspersions."

with the authority of his presence, his counsel, his name. And yet, notwithstanding all this, it was with much difficulty, and in the result of many arguments, that Cromwell prevailed with him to accede. He had been elected, long before his consent was ascertained, among the first members of the council of state, but he did not present himself till the 26th of February, nine days after all the council had been installed. A difficulty then occurred. On the day on which the instructions to the council of state had been voted, an engagement was drawn up and adopted, to be taken by each counsellor previously to his admission, the purport of which was to express his approbation of all that had been done in the king's trial, in the abolishing of kingship, and the taking away the house of lords,—and this oath was now presented to Vane. He refused to take it. He did not approve, he said, of what had been done in the king's trial or the king's death. No compromise could meet the difficulty. An entirely new oath was eventually drawn up, for the satisfaction of sir Henry Vane.*

The first measure we find traces of, after Vane's adhesion to the commonwealth, is the issue of several new writs to the house of commons. I may mention that before his adhesion, the first public act of the council of state had been to recommend to parliament to vacate the appointment of the earl of Warwick (objectionable as a presbyterian) to the office of lord admiral. A bill had in consequence been brought in and passed, for repealing lord Warwick's ordinance, and vesting the power

* In his speech on his trial, he told this to his judges:—"When that great violation of privileges happened to the parliament, so as by force of arms several members thereof were debarred coming into the house and keeping their seats there, this made me forbear to come to the parliament for the space of ten weeks, to wit, from the 3d of December, 1648, till towards the middle of February following, or to meddle in any public transactions. And during that time the matter most obvious to exception, in way of alteration of the government, did happen. I can, therefore, truly say, that as I had neither consent nor vote, at first, in the resolutions of the houses, concerning the non-addresses to his late majesty, so neither had I, in the least, any consent in, or approbation to, his death. But, on the contrary, when required by the parliament to take an oath, to give my approbation, *ex post facto*, to what was done, I utterly refused, and would not accept of sitting in the council of state upon those terms, but occasioned a new oath to be drawn, wherein that was omitted."

of lord admiral in the council of state. The next day another act was made, appointing Robert Blake, Edward Popham, and Richard Dean, to the command of the fleet, — each of whom afterwards made his name familiar and eminent on the seas. Finally, on the 12th of March, a committee of three was named by the council to carry on the affairs of the admiralty and navy, and sir Henry Vane was placed at their head. Wauton and Rowland Wilson were the other members of the committee. Thus, in the administrative genius, the vigour and the capacity of Vane, — in the heroic courage, wonderful knowledge, and splendid virtues of Blake, — was laid the foundation of a naval supremacy for England, which she had not seen since Elizabeth's days.

Bradshaw was elected president of the council on the 10th of March. Three days later, Milton, the kinsman of Bradshaw, was made secretary to the council for foreign tongues, which office had been held by Weckerlin under the committee of both kingdoms. "It is impossible," observes Mr. Godwin, "to consider these appointments without great respect. They laid the foundation for the illustrious figure which was made by the commonwealth of England during the succeeding years. The admirable state of the navy is in a great degree to be ascribed to the superlative talents and eminent public virtue of Vane. The naval commanders were such as can scarcely be equalled in any age or country. The attachment of Milton is equivalent to volumes in commendation of Bradshaw. The perfect friendship of these three men, Milton, Bradshaw, and Vane, is, in itself considered, a glory to the island that gave them birth. The council, we are told, took up a resolution, that they would neither write to other states, nor receive answers, but in the tongue which was common to all, and fittest to record great things, the subject of future history. And they fixed on Milton, the language of whose state papers is full of energy and wisdom, and must have impressed foreign states with a high opinion of the government from which they came.

The character of the great poet of England frequently discovers itself in these productions, without detracting in the smallest degree from the graveness and sobriety which the occasions and the rank of the nation in whose name they were written, demanded. On the other hand Milton, who felt as deeply as any man, that his proper destination was the quiet and sequestered paths of literature, conceived that he could not decline a public station when the demand came to him from such men, and was that he should devote himself to the service of that scheme of a republic, which above all earthly things he loved."*

The next question that came to be considered in the council of state was, beyond every other question, the most important and the most difficult. It related to the dismissal of the present parliament, and the summoning of another. No popular or representative government can be said to exist without successive parliaments, and the present house of commons had sat for a period unheard of in our history, though fully warranted by the critical circumstances of the time. The passages I have quoted from Vane's statement of the "Case of the People," show most clearly, as it appears to me, that the act declaring that this parliament could not be dissolved but by their own consent, was the corner stone of all their public services; and of all the liberty that has since existed in this island. The legislature that had been guided in their original measures by Pym and Hampden, and that, after their early decease, had been worthily, and in an eminent degree in their spirit, conducted by their successors, is perhaps, all things considered, "the most illustrious assembly, whose acts are recorded in the history of the world." They had now completed all that originally they undertook. "They had conquered the determined enemy of parliaments; they had finished the civil war; they had destroyed despotism—for he that had grasped the sceptre was no more; and his family, and even the

* Hist. of Com. iii. 33.

idea of government to be vested in the hands of a single person, was publicly proscribed. All that remained to complete their glory, was for them to put an end to their authority, and tranquilly to deliver up their power into the hands of their successors."

And this, as it appears to me, would not only have completed their glory, but, in all human probability, assured the commonwealth's safety. In such peculiar cases, in the circumstances of such a change in the form of the government, *accomplished, be it observed*, and not merely struggling to its accomplishment as we have recently seen it,—more would have been gained by trusting the people than by distrusting them.* It is right at the same time to listen to what the ablest advocates of the course they adopted, have to say in its favour. "Monarchy," says Mr. Godwin, "was at an end; the house of lords was extinguished; it had been solemnly decreed that the commons of England in parliament assembled were the supreme authority. But all was yet in a state of convulsion and uncertainty. The tempest might be said to be over; but the atmosphere was loaded with threatening clouds, and the waves swelled this way and that with no unequivocal tokens of uneasiness and turbulence. This was the task that it fell to the present possessors of the legislative power to perform: to produce that calm, to adopt all those preliminary measures, which might enable the present parliament safely to deliver up the reins of political power to the next. They had advanced far to this end. They had erected a council of state, which comprised in its body much of what was most extraordinary in talents, and most unquestionable in public spirit and disinterested virtue, that was to be found in the nation."† "The great statesmen," Mr. Godwin continues, "who guided the vessel of the common-

* Was it not proved afterwards, that this would have been the correct course, by the independent and spirited tone assumed even in the parliaments summoned by the usurper? They are glanced at in the memoir of Marten.

† Hist. of Com. iii. 108.

wealth at this time, had established a republic without king, or house of lords, the only government in their opinion worthy of the allegiance and support of men arrived at the full use of their understanding. They felt in themselves the talent and the energies to conduct this government with success. They wished to endow it with character, and gain for it respect. Having shown their countrymen practically what a republic was, they proposed to deliver it pure, and without reserve, into their hands, to dispose of as they pleased. This was their project. The present state of England was of a memorable sort. The great mass of the community, through all its orders, was now, particularly after the able and successful administration of the commonwealth in its first six months, content to submit at least for the present to the existing government. But probably not more than a third part of the nation were sincere adherents to the commonwealth's men and the independents. The other two thirds consisted of royalists and presbyterians. Both of these, however, disposed for a time to rest on their arms, were but so much the more exasperated against their successful rivals. Both these latter parties were for a monarchy, to be established in the line of the house of Stuart. Both were averse to the endurance of any religious system but their own. Stubbe, the protégé and intimate friend of Vane, says, the supporters of intolerance were five parts in seven of the inhabitants of England. The objects of Vane and Cromwell were the administration of a state without the intervention of a sovereign and a court, and the free and full toleration of all modes of religious worship and opinion. They would have held themselves criminal to all future ages, if they supinely suffered the present state of things, and the present operative principles to pass away, if they could be preserved. Cromwell, and Ireton, and Vane, and the rest, were intimately persuaded, that by a judicious course of proceeding these advantages might be preserved. If things were allowed to continue in their present state, and if by

a skilful and judicious administration the commonwealth came by just degrees to be respected both abroad and at home, they believed that many of those persons who now looked upon it with an unkind and jealous eye would become its warmest friends. They felt in themselves the ability and the virtue to effect this great purpose. The commonwealth was now viewed with eyes askance, and with feelings of coldness, if not of aversion. But, when once it was seen that this form of government was pregnant with blessings innumerable, that it afforded security, wealth, and a liberal treatment to all in its own borders, and that it succeeded in putting down the hostility of Ireland and Scotland, in impressing, with awe, Holland, France, Spain, and the various nations of the continent, and in gaining for England a character and a respect which she had never possessed under any of her kings, they believed that the whole of the people, in a manner, would become commonwealth's men, and would hold embraced in the straitest bonds of affection, a government, to which now they had little partiality. They sanguinely anticipated that they should effect all this. And then how glorious would be the consummation to convert their countrymen to the cause of freedom by benefits and honours, to instil into them the knowledge of their true interests by the powerful criterion of experience, and finally, to deliver to them the undiminished and inestimable privileges of freemen, saying, "Exercise them boldly and without fear, for you are worthy to possess them." *

Such, no doubt, was the process of reasoning with the purest and loftiest minded of those men — the Vanes, the Martens, the Sydneys, the Ludlows, the Iretons, the Bradshaws — it may well be disputed in the case of Cromwell; but admitting all this, it would seem, nevertheless, to have been a grand mistake to suppose that any lasting beneficial impression could

* Hist. of Com. ii. 112 - 119.

have been produced in the minds of the people by merely administrative talents or glories, however great or triumphant. What the people wanted in the new form of government to lay its foundation deeper in their hearts, was what Vane has so ably pointed out in the political writings I have quoted, new institutions founded on the principles of the old. Granting the truth of what Mr. Godwin urges, it amounts to this, in fact, — that the only present guarantee of the new commonwealth rested in the army. — Where, then, was the guarantee for the virtue or fidelity of the army? — To themselves alone, or to men who had achieved influence over them, were *they* accountable. Remarkable, as the circumstances were, which widely distinguished them from the character of ordinary soldiers, it is yet certain, that when they found themselves the guardians of a commonwealth, in which all things were unsettled, and in which that very power which was more than ever necessary, in such a state of government, to hold together the elements of order and of liberty — the power and the authority of the people — was altogether excluded, — the temptation was too great for men of much more than ordinary virtue.

"Qui gardera les gardiens?"

There is much reason to believe, in my opinion, that Vane was over-ruled upon this question, and that he afterwards, for that reason, desponded of immediate success in the achievement of the great part of the republican design.* Some of his speeches in Richard

* "This prophet or seer of God, in the midst of the greatest successes in the late war, when the churches, parliament, and army reckoned their work done; thought their mountain so strong that they should never be moved; said the bitterness of death and persecution is over, and that nothing remained, but (with those self-confident Corinthians) to be reigning as kings; he discovered himself to be of another spirit, with Paul: he could not reign with them. When they thus mused and spake, 'we shall sit as a queen, we shall know no more sorrow,' he would be continually foretelling the overflowing of the finer mystical Babylon, by the most grossly idolatrous Babylon, and the slaying of the true witnesses of Christ between them both, as the consequence of such inundation. Has not he had his share in the accomplishment of his own prediction? Have not they, by their pride, apostacy, and treachery, been the occasion of his and their own sufferings, who would not believe him, when he prophesied of such a suffering season. Have not floods of Belial judges, counsellors,

Cromwell's parliament will, I think, throw some light on this, and an extract from his friend Sikes's tribute may be urged in illustration of it; but these claim a place hereafter. One thing is quite certain, that Vane exhibited a perpetual uneasiness respecting the dissolution of the parliament; was constantly mooting it in some form or other; and, as soon as he detected the traitorous design of Cromwell, distinguished himself by a memorable effort to secure those rights for the people that had been so long, and as he then at last perceived, so fatally delayed.

The steps that were taken to strengthen the present house may be shortly described. The first of May is the day on which we trace the earliest mention of the subject in the journals. It was then determined that the business respecting due elections and equal representatives should be taken into consideration on the third day following. It was mentioned again on the fourth and the fifth, and on the eleventh was revived in the shape of a debate on the question of putting a period to the present parliament, which was referred to a grand committee, or committee of the whole house. This question appears to have originated with Vane; he was chairman of all committees named respecting it. The committee of the whole house sat on the fifteenth, and prepared a resolution, which was immediately after voted by the house, that, previously to the naming a certain time for the dissolution of parliament, a consideration should be had of the succession of future parliaments,

witnesses, jurors, soldiers of Belial compassed him about? Did Scripture, law, or reason, signify any thing with them? So the waters went over his soul; they took away his life from the earth. Yea, the rage and violence of brutish men followed him close at the heels, to his very execution stroke. But, however, it was with him, as to a certain foresight of particular events, yet that he could conjecture and spell out the most reserved consults and secret drifts of foreign councils against us (which they reckoned as *tacita*, concealed till executed), the Hollander did experience to their cost." So says Sikes, in his extraordinary pamphlet, and reduced to the ordinary language it seems to me to express something like the feeling alluded to in the text. The closing allusion is to that power immortalised by Milton as having been possessed to an eminent degree by Vane — of unfolding "the drift of hollow states hard to be spelled."

and the regulating their elections. This consideration was referred to a committee, consisting of Vane, Ireton, Scot, Nathaniel Rich, Algernon Sidney, and four others, who were to present to the house heads proper for their deliberation in determining on the subject. They were directed to sit every Monday and Friday. It is remarkable to notice the frequent mention of the sittings of this committee recorded in the journals, and the never failing presence of Vane. The temporary arrangement which dispensed with a dissolution for the present had not dispensed with the sittings of this committee.

That temporary arrangement was at last effected thus : The exact numbers of the house were first ascertained. It had been determined by the Act of the first of February, that no person should be admitted to sit and vote as a member of the legislature, till he had declared his dissent from the vote of the fifth of December, that the king's answers to the propositions were a ground to proceed on for the settlement of the kingdom. The number of those who on that day voted for the negative was eighty-three. But every member was now required to enter his dissent ; and by a careful collation of the journals it appears, that the number of these, between the twentieth of December and the thirtieth of June following, could not be less than one hundred and fifty.* There were only six writs issued during this period ; and these were in the room of members deceased. The 9th of June may be considered as the day on which the government first manifested its intention of continuing the existence of the present parliament. On that day it was resolved, that such members of the house as had not sat since the beginning of December should state their cases by the last day of the present month to the committee for absent members, which if they neglected to do, writs should then issue for new elections in the place of those who should so neglect. The question of any further new writs in the room of members deceased, appears to have been laid aside.

* Hist. of Com. iii. 121.

The first year of the commonwealth closed with Cromwell's reduction of the rebellion in Ireland after terrible slaughter, and with the trial and acquittal of the notorious Lilburne on a charge of treason against the government.

Vane again took his seat in the second year's council of state. The historian of the commonwealth thus notices the gradual construction of the naval administration over which the great statesman presided:—"The committee of the admiralty and navy was first named on the 12th of March, twenty-three days from the original instalment of the council of state, and then consisted of only three persons, Vane, Valentine Wauton, and alderman Rowland Wilson. Two others, Jones and Scot, were added in the course of the month, and two more, Purefoy and Stapeley, on the 6th of June. Vane was all along the principal person in the care of the navy of England: when the war broke out between the Dutch and the English, he and two or three more were appointed commissioners to conduct it; and to his activity and skill contemporary writers principally ascribe the memorable success in which that contest issued. The committee of the admiralty in the second year were Vane, Wauton, Jones, Scot, Purefoy, Stapeley, the earl of Salisbury, lord Grey of Groby, Alexander Popham, and Robert Wallop." Alderman Rowland Wilson (of whom Whitelocke says, "He was a gentleman of excellent parts and great piety, of a solid, sober temper and judgment, and very honest and just in all his actions, beloved both in the house, the city, and the army, and by all that knew him, and his death as much lamented") had died immediately before.

In the excellence of an administrative system, nothing could surpass the arrangements of the commonwealth. They again renewed this year five other committees in the council of state—for the ordnance, Ireland, private examinations, the laws, and negotiations with foreign powers. These committees all varied in their amount, being from seven to ten or twelve members each, and the

same counsellor of state being often on different committees.* Immense advantages accrued from this methodical distribution of the business of administration. The council at large, whose order-books are preserved, assembled for the general affairs of government, and to them, in the first instance, were confided the powers of the state. But these different committees, when they sat apart, had their attention directed, without distraction, to the special business for which they had been named, and either prepared matters for the guidance and decision of the council in general, or, as appears from the articles of instructions to the council, being of a certain assigned number, were authorised and empowered to give directions immediately, as from themselves, in the departments consigned to their care.†

Meanwhile young Charles Stuart was in the field against the commonwealth in Scotland, and Fairfax had accepted the chief command of the expedition against him, when his wife prevailed with him to resign it. By this fatal weakness Cromwell was left without a rival in the absolute command of the army, and he at once marched, "in glory and in joy," to his great Scotch campaign. The battle of Worcester afterwards crowned his triumphs, and settled, for the present, the safety of the commonwealth from foreign foes.

But with the opening of this second campaign by Cromwell ‡, Vane had manifested his suspicion of her

* We find the name of Vane in almost all the various administrative measures of the time. And it is interesting to observe him engaged, among other things on the measure which had last occupied the great mind of Pym. "Referred," says one of Whitelocke's notes, p. 392., "to a committee to prepare an act, upon sir Henry Vane's report touching the excise."

† Hist. of Com. lii. 181.

‡ Mr. Godwin, always too partial to the motives of Cromwell, dates his own suspicion of the intentions of the usurper at a somewhat later date. "It was only," he observes, "by slow degrees that he came to entertain those ambitious thoughts, that in the sequel proved fatal to his own character and the welfare of his country. But they found entrance; and imperceptibly they proceeded to undermine the pillars of integrity and honesty in his bosom. He saw himself without a competitor. He had no equal. He began to disdain and despise those with whom he had hitherto acted. Incomparably the man of the highest genius he now met in the council-chamber at Whitehall, was sir Henry Vane. But what was Vane? He was wholly unfit to command an army. He did not possess that most

danger from a more terrible treason. We observe it in the restless movements that were again resumed in the house of commons, on the question of dissolution and a new house. We have seen that on the 15th of May, 1649, a committee had been appointed to take the subject into consideration. It consisted of Vane, Ireton, Scot, Algernon Sidney, and five other persons, among whom Vane had placed his father. Its first report, however, was not brought in till the 9th of January of the following year, some change having in the mean time taken place in the members of which it was constituted, and Ireton being on service in Ireland. On that day "Henry Vane the younger" introduced it, and its first proposition appears to have coincided with the suggestion of the Agreement of the People, tendered by the general council of the army twelve months before, that the representation of the people of England should consist of 400 members, though with a distribution to the counties, and the towns within them, somewhat different. It referred the succession of parliaments, and the qualifications of the electors and elected, to future consideration, and recommended that all members now sitting in parliament should be counted in the next parliament as representatives for the places for which they at present sat. The first proposition, that the representatives should be in number 400, was voted by parliament on the day that the report was brought up. The rest was deferred; and Vane seems to have pressed with great anxiety for its completion, but without effect. He had consented to the provision for the continuance of the present members in the house as in some sort a necessary compromise in the necessities of the case, to enable the original achievers and founders of the commonwealth to deliver into the hands of the new representatives such a statement as

glittering and striking of human accomplishments, to look through whole files and squadrons of athletic, well formed, and well armed men, and inspire them at once with confidence, submission, and awe, and make them move as if they had only one soul, and march at his word unflinching, even to the cannon's mouth," iii. 218, 219.

they alone could give of their motives and reasons for the late memorable actions, and to report themselves, no less than their cause, aright to the unsatisfied ; but still the dissolution was delayed. Again the committee resumed its sittings, and through this and the following year would seem to have met upwards of fifty times. Still nothing decisive was done. At last Vane procured the passing of a resolution, that the subject should be again discussed in the house on the 24th of September, 1651.

Cromwell had arrived meanwhile from the triumphant field of Worcester, " brooding strange thoughts by the way."* Finding matters in the house of commons brought to this crisis by Vane, he seems at once to have decided on practising one of his profoundest arts of deception. He professed broadly his concurrence in the measure proposed, and announced his earnest desire for a new parliament and a popular representation ! Whether Vane was in any way moved by this to forego his suspicions, does not with any certainty appear.

The debate took place on the day appointed, and on the 25th, the house voted, upon a division, Cromwell and Scot being tellers for the majority, that a bill should be brought in, for fixing a certain time for closing the present parliament, and calling another ; and it was referred to Saint John, Whitelocke, Lisle, Prideaux, Say, Miles Corbet, and eight others, to prepare the bill. Next day the names of Vane, Cromwell, Marten, and Salway, were added to this committee ; and it was ordered that all that came should have voices in their decisions. On the 1st of October it was directed that this committee should sit every afternoon, till the bill was ready. At the expiration of one week the bill was brought in, and read a first time, and, two days after, a second time. It was then committed to a committee of the whole house, which was ordered to sit daily from the 14th to the 28th. The committee sat with few interruptions till the 4th of November. On that day

* " That man would make himself our king ! " said Hugh Peters, who saw him on the road.

it was directed that a new chairman should take the chair ; and on the 12th it was found necessary, that the serjeant-at-arms should go into Westminster hall, and summon the members, as well judges as others, to attend the house for the further consideration of the bill. On the 13th the house was desired to examine the question, whether it be now a convenient time to fix the period at which the sittings of the present parliament should cease ; and on the 14th it was decided that this *was* a proper time. This decision was not adopted without two divisions, the first of fifty to forty-six, and the second of forty-nine to forty-seven ; Cromwell and Saint John being in each instance tellers for the majority. On the 18th it was voted without a division, that the period should be the 3d of November, 1654.*

The conquest of Scotland now led to the incorporation of that country with the English legislature. A union was devised on large and liberal terms, and the genius of Vane, exerted with such effect in Scotland on a previous most memorable occasion, was thought essential to the successful achievement of the measure. He at once consented to preceed to Scotland as one of the commissioners for the settlement of the union. It was a trying time for such a duty ; but his country never required his services in vain. "It marks" says Mr. Godwin, "the generous and unsuspecting mind of Vane, who consented to go upon a journey to Scotland for certainly not less than two months, and to leave the military party without his personal opposition during that term. We may also infer from this fact the slow, deliberate, and cautious procedure of Cromwell. Vane would scarcely have engaged in this transaction, and have withdrawn himself for so long a time from the metropolis, if Cromwell and he had not been seemingly on terms of friendship."

The instructions to the commissioners were finally given on the 18th of December. They reached Scotland in the course of the following month, and opened their proceedings at Dalkeith, six miles from Edinburgh.

* I ascertain these various divisions from Godwin's History of the Com. 305, 306.

Their purpose was to summon deputies from the different shires and boroughs of Scotland to meet them, and declare their assent to the proposed union. They sat during the greater part of January, and the whole of February; and on the 1st of March they sent up Vane and another of the commissioners to report to parliament the progress they had made; from whose statement it appeared that twenty shires and thirty-five boroughs had already assented to the union.* In consequence of this report the act of union was brought in, and read a first and a second time on the 13th of April. In a very remarkable speech in the parliament of Richard Cromwell (reported in the recently published *Diary*, by Burton), in which Vane argued most subtly for the exclusion of the Scotch nominees or members who would have turned the majority against the republicans, he stated that this act of union in so far as related to representation had never been duly perfected. I insert the speech here, both as illustrative of his share in this famous transaction, and of those sound philosophical views of the necessity of "laying foundations" in matters of government which we have been doomed to see defeated in these first years of the commonwealth.

"This gentleman's discourse about the Union has called me up. I shall represent the true state of that union. Admitting the premises agreed by the whole house, I shall deny the conclusion that it is right, convenient, or possible, to admit them to a right, either in law or fact, to sit here.

"Those that you sent to treat, had their great aim to settlement and peace, and to lay aside all animosities. The difference arose about imposing a king upon us. We conquered them, and gave them the fruit of our conquest in making them free denizens with us."

He read the declaratory part, and acknowledged that to be the Union, and stated the progress of it.

"It is the interest of this nation to own and countenance that Union. None of my arguments shall weaken it. The ordinance for union relates to this declaration.

* Godwin Hist. of Com. iii. 380.

It was thus brought back again by your members from Scotland; that there should be one parliament, by successive representatives. This is your Union, and, when opened, none will deny it. To the completing of this, accordingly, commissioners attended the parliament. We agreed then the number to be thirty-five to represent Scotland. The parliament accepted the result from ours and their commissioners. A bill was prepared to pass, if that parliament had not been broken up. In that respect, the public faith of the nation was much concerned to promote it. He that will deny it, departs from the very cause we have managed.

"It is to be confessed, the Union was perfected in the time of last parliament. It only wanted the last hand, which should have changed the constitution of parliament. There was no foundation in law in the long parliament to receive them from Scotland or Ireland, till we had settled our own constitution. The committees that came from Scotland did not sit here, but only treated with your committee.

"You must vary your own constitution, as well to make you fit to receive them, as for them to come, and therefore I moved that the writs be read. It was the true meaning of the petition and advice to distribute it so, by reducing their own number, to give place for Scotland and Ireland. This the long parliament were about to do, to reduce themselves from 500 to 400. This was not done that parliament. I told you the reason. But this was done by the providence of God, by the instrument of government—a new constitution, which reduced our own constitution suitable to that for Scotland and Ireland—and accordingly the parliament in 54 and 56 sat. This was reserved to be done by the petition and advice; but prevented also by the providence of God. It was left to no person to declare it but singly, as that parliament should declare. That was left imperfect.

"It is one thing for us to be united and incorporated; another thing to be equally represented in parliament by a right constitution. There is a great difference. As

soon as you are a representative of that commonwealth, then must the thirty be called, and not before.

"There being a failure in the petition and advice, as to the distribution, they were fain to have recourse to the common law and the old statutes. There being no act of parliament for another distribution, they were forced to call you as we left it in 1648.

"Now the single question is, whether, by the Act of Union, any right was created to any one shire or borough of Scotland. If they send them, you cannot receive them without overturning your own foundation. Your being thus called upon the old bottom, when no law was afoot to call Scotland or Ireland, your commission is clear; otherwise they were brought hither upon you, that if you will see it, you may; if you will not, you may let it pass.

"I think you are bound in duty and convenience to perfect this Union, both as to the distribution, and all other defects.

"I assert two things, which I would gladly have answered: 1. That those gentlemen that are chosen from those shires or boroughs, have no right to sit as members of the representative of England, either by statute, common law, or agreement. 2. That there is no possibility of receiving them, till you agree, by act of parliament, on the distribution, and other things. To say the chief magistrate may do it, is expressly against the petition and advice. He cannot do it, it being neither in law, state, nor in the commission.

"Durham had as much a possessory right; why was not his oath broken as well in that as in this? Haply he knew more what the people of Durham would say, when it was applied to.

"*Honestly and uprightly make it your first business to settle your own constitution.* It is said, you go slowly on. Whose is the fault? If no new commission had been sent out, you might have gone on to have done a great deal of good. This is an imposing upon you.

"I would have this to be your first business,—*To lay foundations.* Obstructions in the fountain are danger-

ous : that body cannot live. There is no remedy, but to do that by law which cannot possibly be done without it. *The single person may as well send one hundred as thirty, and all for one place, and so rule your debates as he pleases.* This is the highest breach that can be. *Where are you, or posterity, upon the account of prudence ? You see how the state of your affairs is abroad : how the Swede is, since your mighty debate. France and Spain are very likely speedily to agree !*

" It is an ill time for any man to assume to rule without a parliament. In this juncture of time, I believe the protector does not know the state of this business. If any counsel him to the contrary, it will fall heavy upon them. I hope you will not call it an execrable formalities : it is the very essence and being of your privilege.

" Put the question, whether they have by law a right to sit, and that they may withdraw. If they do not, it is against the law of nature and nations to deny it. If they have no right by law to sit, none will insist upon it that they ought to continue."

The commencement of hostilities with Holland furnished a great occasion for the display of the genius of Vane, in affairs of government. It had already shone forth in the pre-eminent success of his naval administration, in the matter of prince Rupert's expedition ; and left foreign nations, repeating the names of Vane and Blake, to wonder wherein lay the secret of English success, whether in the genius of the council chamber of the commonwealth, or the bravery of her sons upon the waves.

During a portion of the Dutch war, Vane was not only at the head of naval affairs, but also president of the council, and his exertions were almost incredible.*

* * The next branch of his public usefulness, in a political capacity, was his most happy dexterity at making the best of a war. Armies are to small purpose abroad, unless there be sage counsel at home. He heartily laboured to prevent a war with Holland, but the sons of Zerviah, a military party (that too much turned war into a trade), were too many for him in that point. He therefore set himself to make the best of a war, for his country's defence. In this war, after some dubious fights, (while the immediate care of the fleet was in other hands,) he with five others were appointed by the parliament, to attend that affair. Hereupon he became

When the war began, the Dutch were lords of the ocean. "They were in the full vigour of their strength, and had never yet, by sea, felt the breath of a calamity. They looked with contempt and impatience on the proud style the commonwealth had assumed. Our navy was comparatively nothing: theirs covered the ocean with their sails." Before the war had concluded, the united powers of Vane and Blake had, nevertheless, struck down the pride of the united provinces, and conferred on their beloved country that glorious title of mistress of the seas, which, to the present day, she has so gloriously maintained.

A temporary reverse, which was deeply felt at the time, only served to set off more brilliantly, the subsequent exertions of Vane, and the success which crowned them. Blake, with only thirty-seven ships under his immediate command, had encountered Van Tromp, in the Downs, with a fleet of eighty sail, on the 29th of November, 1652. The fleet of the English admiral, imperfect as it was in number, was not even in proper fighting order; but it was Blake's grand creed*, that the English flag should never decline the challenge of an enemy, whatever his advantages; and the advice of his officers, it is said, coinciding with his own, determined him to engage. The battle was fought with the utmost gallantry on both sides for about five hours, when night came on, and enabled Blake to abandon the fight and escape into harbour with the loss of two ships, and others in a shattered state. Blake's ship was the

the happy and speedy contriver of that successful fleet that did our work in a very critical season, when the Hollander vapoured upon our seas, took prizes at pleasure, hovered about our ports, and was ready to spoil all. His report to the house, as to the war-ships by him recruited, ordered, and sent forth in so little time, to find the enemy work, seemed a thing incredible." The foregoing is the testimony of Sikes, an unimpeachable witness.

* Another noble article in Blake's creed may be recorded here, in contrast to the conduct of Cromwell. He was the staunchest of republicans; but it is recorded of him that, on receiving the news of the dispersion of the long parliament, he at once issued an order to the men of the fleet, that their duty as seamen was to defend their country against foreign enemies, and not to meddle with political affairs.

most forward and fiercely engaged, and he was himself wounded.* The victorious Dutchman, drunk with his triumph, afterwards paraded his fleet up and down the English channel, with a broom fixed to his masthead, in derision of having swept the English navy from the sea.

For this he was soon punished, by the unparalleled efforts of Vane. The difficulty was a disastrous one at the moment, but his energies rose to the occasion. On the 29th the battle had been fought. Not many days after, Vane reported the navy estimates to the house, and it was at once resolved that 40,000*l.* per month should be devoted to the navy. The next and most difficult point was to raise the revenue to meet such an appropriation; but Vane's energy and capacity surmounted it. He brought in a bill, and had it at once read a first and second time, to sell Windsor Park, Hampton Court, Hyde Park, the Royal Park at Greenwich, Enfield Castle, and Somerset House, the proceeds of the whole to be for the use of the navy. In the beginning of February, Blake was put to sea by Vane, with eighty ships of war, and soon fell in with Tromp, at the head of a squadron of equal size, convoying 200 merchantmen. A battle commenced on the 18th of February, off the Isle of Portland, which, for the weight of the armaments engaged, the determined bravery of the combatants, the length of time during which it lasted, and the brilliancy of its results, far transcended every previous naval action on record; and has never, perhaps, been since surpassed. It was fought and renewed through three successive days, and at the end of the third day Blake conquered. He captured or destroyed eleven ships of war and thirty merchantmen, slew 2,000 men, and took 1,500 prisoners. His own ships suffered severely, but only one was sunk, and after her crew had been brought away; but his number slain is stated as nearly equal to that of his enemy.

Thus splendidly did Vane and Blake close the battles of that republican commonwealth whose own termination

* Hist. from Mackintosh, vi. 168.

was now near at hand. Vane and Cromwell were at last on the eve of an open rupture.

Before it is described, an interesting circumstance claims our notice. During the progress of Vane's brilliant administration of the government, Milton had addressed to him his famous sonnet; and at the same time, as if with the view of composing those fatal differences between them, which threatened the state with calamity, by showing how the glories of each might be celebrated by the same impartial pen, the divine poet forwarded another and not less famous sonnet to Cromwell. That to Vane was first published in Sikes's book; and it is a singular circumstance that it escaped the notice of the first editors of Milton, and was only subsequently included in his poems. It had been sent privately to Vane, who furnished the copy to Sikes. I present it precisely as it was first printed, and with the commentary I have already referred to.

"The character of this deceased statesman," says Sikes, "I shall exhibit to you in a paper of verses, composed by a learned gentleman, and sent him, July 3. 1652.

' VANE, young in years, but in sage council old,
Than whom a better senator ne'er held
The helm of Rome, when gowns, not arms, repell'd
The fierce Eperiot and the African bold.

' Whether to settle peace or to unfold
The drift of hollow states, hard to be spell'd,
Then to advise how war may, best upheld,
Move by her two main nerves, iron and gold,

' In all her equipage: besides to know
Both spiritual power and civil, what each means,
What severs each, thou hast learn't, which few have done,
The bounds of either sword to thee we owe;
Therefore on thy firm hand Religion leans
In peace, and reckons thee her eldest son.'

"The latter part of this sufferer's elogy in the above mentioned verses, concerns his skill in distinguishing the two swords or powers, civil and spiritual, and the setting right bounds to each. He held that the magistrate ought to keep within the proper sphere of civil jurisdiction, and not intermeddle with men's consciences, by

way of imposition and force, in matters of religion and divine worship. In that healing question, for which he was wounded by the late protector (so called), he did sufficiently manifest this to be as well the magistrates' true interest as the people's just security. 'Tis observed by More and others, on various accounts, that the Roman emperors owning and incorporating Christianity with the laws of the empire, strengthened the interest of the formal Christian, and drove the true spiritual worshipper into the wilderness. While magistrates pretend, and, it may be, verily think they are doing Christ a high piece of service by such fawning and formal compliance, they are directly involved in the anti-christian interest, for the persecuting of Christ in his true spiritual members.

"This lover of his nation, and asserter of the just rights and liberties thereof unto his death, was also for limiting the civil power, delegated by the people to their trustees in the supreme court of parliament, or to any magistrates whatsoever. He held, that there are certain fundamental rights and liberties of the nation, that carry such a universal and undeniable consonancy with the light of nature, right reason, and the law of God, that they are in nowise to be abrogated or altered, but preserved. What less than this can secure people's lives, liberties, and birthrights, declared in Magna Charta, and ratified by two and thirty parliaments since? Let but once this truth be exploded and blown away, all the rights and liberties of the nation will soon go after it, and arbitrary domination and rapine may securely triumph over all. Deny that there are any fundamental irrepealable laws, and who can be secure as to life, liberty, or estate? For, if by an over-ruling stroke of abused prerogative, a majority in parliament can be procured that will pull up all the ancient mischief by a new law, make reason and duty treason, and that *post factum* too; in this case, he that did things most rational and justifiable by unrepealed or irrepealable laws yesterday, may be condemned by a law made *post*

factum, and executed to-morrow. By this means judges may be put into a most unhappy capacity of justifying the wicked, and condemning the righteous, under colour of parliamentary authority ; in both which things they are an abomination to the Lord."

Vane was now using the same unparalleled exertions he had made for Blake, to avert the despotism of Cromwell. But Cromwell had completed all his plans, and was more than prepared for the opposition which "even his own beloved Vane" (as Clarendon expresses it) was organising against him. It should be remarked, that his motives for instant procedure had not been lessened by the measure Vane had included in his recent administrative plans, of the sale of Hampton Court, at that time in Cromwell's trust. Vane had also, as soon as Blake left for sea, procured a resolution of the house of commons, appointing the 3d of November, 1653 (instead of the 3d of November, 1654, before fixed on, as I have said), for the parliament's dissolution. * Roger Williams, Vane's old friend of earlier years in his government of New England, was staying at this time in Vane's country residence in Lincolnshire, and we find him writing over to his friends of New England :— "Here is great thoughts and preparations for a new parliament. Some of our friends are apt to think a new parliament will favour us and our cause more than this has done.*"

Up to this moment, therefore, Vane would seem not to have despaired. Yet Cromwell's plans had left him not a single possibility of success. His instrument was the army, and his immediate agents the republican officers. These officers had been first most thoroughly deceived ; and the silly simplicity of their enthusiasm appears to have deserved betrayal. They professed, and indeed felt, almost all of them, a rooted aversion to the government of a single person. Cromwell, therefore, had first to "convince them that Vane

* Bakers's History of New England, i. 287.

and Bradshaw and Marten, the great apostles of the republican school, and whom he had taught them before to look upon with implicit reverence, were dishonest ;" he had next to purge himself from the imputation of personal motives, and every alloy of the love of greatness and the love of power. All this he did ; and as Mr. Godwin observes, " by degrees, by multiplied protestations of the purity of his views and a self-denying temper, and by an apparent frankness, and the manifestations of a fervent zeal, he succeeded, and formed to himself a party as strong and as completely moulded to his suggestions and his will, as the boldness of his purposes required."

It appeared subsequently, (and the circumstance may possibly explain some of the difficulties of Vane's position in holding out the existence of the old parliament so long) that Cromwell's plan had not always been that of a violent dissolution, but that, as far back as the preceding October, he had brought about various meetings between the officers of the army and certain members of the parliament opposed to Vane, for the purpose of convincing the latter, of the necessity of putting a speedy end to their sittings. There were ten or twelve such meetings in all, and Cromwell's proposition appears to have been that, the parliament being dissolved, the government *ad interim* should be entrusted in the hands of a small number of persons of honour and integrity, and whose characters should be well known to the public. The number mentioned was forty. They were to supersede the council of state, and to consist of members of parliament and officers of the army.* The secret object of this was to prepare the way for his own supremacy or kingship, by removing every existing legislative and executive body that had the appearance of being founded upon the customs and institutions of England. The proposed senate, or council of forty, would have been moulded in a manner agreeable to his wishes ; or at worst, he depended upon having a

* Parl. Hist. xx. 158.

majority among them whom he could render subservient to his purposes. And all this the military republicans, saints of democracy, and men of the fifth monarchy, simply and gravely listened to, as auguring a blessed republic on the earth — while to these very men the wise and practical counsels of Vane were denounced as visionary !

“Cromwell,” says the historian of the commonwealth, “by calumnies, and the most insidious suggestions, succeeded in alienating the major part of the army from the leaders of the parliament. His first topic was that they were statesmen who, without undergoing hardships and being exposed to dangers themselves, were willing to use the army as their tool, and felt no genuine interest in its prosperity and happiness. The next argument was, that these lazy men, these ‘baleful, unclean birds, perched as they were at fortune’s top,’ divided all the good things and the emoluments of the state among them, totally insensible to the adversities and privations which such a system inevitably entailed upon men of greater merit than themselves. Vane he treated as an obscure visionary, whose speculations no man could understand, and who, while he pretended to superior sanctity and patriotism, had no bowels of compassion for such as were not ready to engage themselves, heart and soul, in his projects. Others, agreeably to the austerity of the times, he exclaimed against as men of loose morals, and, therefore, unfit to be entrusted with the public safety. His own professed object was equality, and a pure commonwealth, without a king, or permanent chief magistrate of any kind.”

All was now prepared for submission, except the unquenchable resolution of Vane. On the 20th of April 1653, he hurried down to the house of commons, resolved to make a last effort to sustain the republic. By his exertions within the last month, all the amendments from his report on the dissolution bill had already been decided on in the successive sittings of the house ; and all that now remained was the third reading, and

that sanction of the parliament which should give the bill the force of a law. Vane, on his arrival in the house, at once rose and vehemently urged the necessity of passing through these latter forms at once, imploring them, for the most pressing reasons, to hazard no further delay. Upon this a debate arose, for Cromwell had instructed his myrmidons. Harrison spoke in remonstrance and expostulation, and was answered more warmly still.

Meanwhile Cromwell with his military cabal were sitting in consultation at Whitehall. He had dismissed many who happened to be members of the house on the first announcement of its sitting, but still remained himself with a few others. At length colonel Ingoldsby re-appeared from the house, in violent haste and excitement, and told him, that if he meant to do any thing, he had no time to lose.* Cromwell hastily commanded a party of soldiers to be marched round to the house of commons, and, attended by Lambert and five or six other officers, at once proceeded there himself. Some of the soldiers he stationed at the door and in the lobby, and led some files of musqueteers to a situation just without the chamber where the members were seated.

"In plain black clothes, with grey worsted stockings," Cromwell quietly made his appearance on the floor of the house of commons. Vane was urging passionately the necessity of proceeding to the last stage of the bill with the omission of immaterial forms—such as the ceremony of engrossing. Cromwell stood for a moment, and then "sat down as he used to do in an ordinary place." After a few minutes he beckoned Harrison. "Now is the time," he said, "I must do it!" Harrison, doubtful, at the instant, of the effect of what Vane was urging, advised him to consider. "The work, sir," he added, "is very great and dangerous." "You say well," retorted Cromwell, hastily, and "sat still for another quarter of an hour." The question

* Whitelocke, 539. ; Perfect Politician, 168.

† Leicester's Journals, 192. ; Sydney Papers, by Blencowe.

was now about to be put, when Cromwell suddenly rose, "put off his hat and spake." "At first," says lord Leicester (on the information, no doubt, of Algernon Sydney,) "and for a good while he spake to the commendation of the parliament, for their pains and care of the public good; but afterwards he changed his style, told them of their injustice, delays of justice, self interest, and other faults" — in other words, he poured out, according to the reports of every one present, a vehement torrent of invective. Vane rose to remonstrate, when Cromwell, as if suddenly astonished himself at the extraordinary part he was playing, stopped and said—"You think, perhaps, that this is not parliamentary language—I know it!" Then, says lord Leicester, "he put on his hat, went out of his place, and walked up and down the stage or floor in the midst of the house, with his hat on his head, and chid them soundly, looking sometimes, and pointing particularly upon some persons, as sir R. Whitelocke, one of the commissioners for the great seal, and sir Henry Vane, to whom he gave very sharp language, *though he named them not*, but by his gestures it was well known he meant them." One person, he said, (aiming, lord Leicester adds, at Vane,) "might have prevented all this, but he was a juggler, and had not so much as common honesty. The Lord had done with him, however, and chosen honester and worthier instruments for carrying on his work." All this he spake, says Ludlow, "with so much passion and composure, as if he had been distracted." Vane's voice was heard once more, and sir Peter Wentworth and Marten seconded him. "Come, come," raved Cromwell, "I'll put an end to your prating. You are no parliament. I'll put an end to your sitting. Begone! Give way to honester men."

The tyrant then stamped his foot very heavily upon the floor: the door opened, and he was surrounded by musqueteers with their arms ready. "Then the general," says Lord Leicester, "pointing to the speaker in his chair, said to Harrison, 'Fetch him down;'" Har-

rison went to the speaker and spake to him to come down, but the speaker sate still and said nothing. 'Take him down,' said the general; then Harrison went and pulled the speaker by the gown, and he came down. It happened that day that Algernon Sydney sat next to the speaker on the right hand. The general said to Harrison, 'Put him out.' Harrison spake to Sydney to go out, but he said he would not go out, and sat still. The general said again, 'Put him out;' then Harrison and Worsley (who commanded the general's own regiment of foot) put their hands upon Sydney's shoulders, as if they would force him to go out. Then he rose and went towards the door. Then the general went to the table where the mace lay, which used to be carried before the speaker, and said, 'Take away these baubles;' so the soldiers took away the mace."*

Helpless in the midst of this extraordinary scene, the members had meanwhile been gradually withdrawing. As they passed Cromwell, he addressed the leading men with passionate bitterness. He accused alderman Allen of embezzlement, and Whitelocke of gross injustice. He pointed to Challoner, and told his soldiers he was a drunkard; he called after sir Peter Wentworth, that he was an adulterer; and as his old friend Harry Marten passed him, he asked if a whore-master was fit to sit and govern. Vane passed him among the last, and as he did so, "said aloud, 'This is not honest! Yea — it is against morality and common honesty!'" Cromwell stopped for an instant, as if to recollect what vice he could charge his great rival with, and then addressed to him, in a loud but troubled voice, the memorable words, "Sir Harry Vane, sir Harry Vane — *The Lord deliver me from sir Harry Vane!*" He was now master. He "seized on the records, snatched the act of dissolution from the hand of the clerk," commanded the doors to be locked, and went away to Whitehall.†

* Leicester's Journals, pp. 140—141.

† I have taken the various points in the foregoing account from very

When Cromwell arrived that day at Whitehall, he was the absolute dictator of three kingdoms: when Vane reached his own home, he was once more a private man, with no authority in the state, with little fortune* left from what he had so generously devoted to his country, with no remaining influence in the world save that of his genius and his virtue. Yet who would have chosen betwixt them?

This memorable long parliament had many glorious epitaphs written over it. "It was thus," says Ludlow, "that Cromwell contrived to be rid of this parliament, that had performed such great things, having subdued their enemies in England, Scotland, and Ireland; established the liberty of the people; reduced the kingdom the of Portugal to such terms as they thought fit to grant; maintained a war against the Dutch with that conduct and success, that it seemed now drawing to a happy conclusion; recovered our reputation at sea; secured our trade, and provided a powerful fleet for the service of the nation. And however the malice of their enemies may endeavour to deprive them of the glory which they justly merited, yet it will appear to unprejudiced posterity, that they were a disinterested and impartial par-

many authorities — all of them of the highest veracity. Whitelocke, Ludlow, lord Leicester, The Perfect Politician, The Parliamentary History, and the Journals of the time. It will complete the curiosity and interest of the narrative, to subjoin the "official" account of the incident published two or three days after in Cromwell's paper — the *Mercurius Politicus*. "Westminster, April 20. The lord general delivered in parliament *divers reasons* wherefore a present period should be put to the sitting of this parliament; and it was accordingly done; the speaker and the members all departing. The grounds of which proceedings will (*it is probable*) be shortly made public."

* This circumstance has already been glanced at. Vane's estates had suffered in the civil war; he had assisted the public treasury with various large sums; he had refunded positive receipts from his office; and surrendered an income of 30,000*l.* a year! In point of fact he was now a poor man — he might have been the wealthiest of the wealthy. But let us hear Sikes: — "Such were his abilities for dispatch of a business if good, or hindering it if ill, that had his hand been as open to receive as others to offer, in that kind, he might have treasured up silver as dust. Many hundreds *per annum* have been offered to some about him, in case they could but prevail with him only not to appear against a proposal. On the least intimation of such a thing to him, he would conclude it to be some corrupt self-interested design, and set himself more vigilantly and industriously to oppose and quash it."

liament, who, though they had the sovereign power of the three nations in their hands for the space of ten or twelve years, did not in all that time give away among themselves so much as their forces spent in three months." "Thus it pleased God," says the cautious Whitelocke, "that this assembly, famous through the world for its undertakings, actions, and successes, having subdued all their enemies, were themselves overthrown and ruined by their own servants; and those who they had raised, now pulled down their masters: an example never to be forgotten, and scarcely to be paralleled in any story, by which all persons may be instructed how uncertain and subject to change all worldly affairs are, and how apt to fall when we think them highest. All honest and prudent indifferent men were highly distasted at this unworthy action." "The parliament," observes the accomplished Mrs. Hutchinson, "had now, by the blessing of God, restored the commonwealth to a happy and plentiful condition, and although the taxes were great, the people were rich and able to pay them; they had some hundred thousand pounds in their purse, and were free from enemies in arms within and without, except the Dutch, whom they had beaten, and brought to seek peace upon honourable terms. And now they fell, because they thought it was time to deliver the people from their burthens, which could not be but by disbanding unnecessary officers and soldiers." "When Van Tromp," says Algernon Sydney, "set upon 'Blake in Folkestone Bay, the parliament had not above thirteen ships against threescore, and not a man that had ever seen any other fight at sea, than between a merchantship and a pirate, to oppose the best captain in the world. But, such was the power of wisdom and integrity in those that sat at the helm, and their diligence in chusing men only for their merit was attended with such success, that in two years our fleets grew to be as famous as our land armies, and the reputation and power of our nation rose to a greater height than when we possessed the better half of France, and had the kings of France

and Scotland for our prisoners." And these tributes may be closed with the words of one who had been a bitter and a scornful enemy. "Thus, by their own mercenary servants," exclaims Roger Coke, "and not a sword drawn in their defence, fell the haughty and victorious Rump, whose mighty actions will scarcely find belief in future generations. And, to say the truth, they were a race of men, most indefatigable and industrious in business, always seeking for men fit for it, and never preferring any for favour, nor by importunity. You scarce ever heard of any revolting from them; no murmur or complaint of seamen or soldiers. Nor do I find that they ever pressed any in all their wars. And, as they excelled in the management of civil affairs, so it must be owned they exercised in matters ecclesiastic no such severities, as either the covenanters, or others before them, did upon such as dissented from them. Nor were they less forward in reforming the abuses of the common law."

It is right, before following Vane to his retirement, to place the reader in possession of the exact question between Cromwell and that great statesman, which we have seen thus insolently silenced by the application of brute force. This can only be done by stating the provisions of the bill on which Vane was content to rest his case with the people and posterity.

But this bill was never afterwards found! Cromwell himself seized it from the hands of the clerk, and no copy of it remains upon record. By a careful examination of the journals, however, I have gathered sufficient information on the subject to leave no doubt of the general provisions of the bill*, or of the nature of many of its more important details.

* Ludlow, in his *Memoirs*, supplies the following sketch, which is corroborative of the accuracy of what is stated in the text:—"The act for putting a period to the parliament was still before a committee of the whole house, who had made a considerable progress therein, having agreed upon a more equal distribution of the power of election throughout England. And whereas formerly some boroughs that had scarce a house upon them, chose two members to be their representatives in parliament (just as many as the greatest cities in England, London only excepted), and the

I have already mentioned that Vane was the author of the reports from the select committee, presented at various intervals to the house. Tracing these through the innumerable allusions and votes and divisions recorded concerning them in the journals, a tolerably complete abstract of it may be made. The number of representatives he fixed at 400. He recommended the abolition of the right of voting in the smallest boroughs, and proposed to throw the members into the larger counties; to give seven members to London and the liberties thereof; and to give members to all the larger cities and towns in England theretofore unrepresented. He presented to them the following list of the numbers of members to which he thought the counties of England and Wales, including the cities and boroughs within them, fairly entitled; and he left the particular distribution of members to each county, city, or borough, to the "pleasure of the house."*

Bedfordshire, and all the places within the same	- 6	Herefordshire, and all the places within the same	- 6
Buckinghamshire, &c.	- 9	Huntingdonshire, &c.	- 4
Berkshire, &c.	- 6	Kent, &c.	- 13
Cornwall, &c.	- 10	Leicestershire, &c.	- 6
Cumberland, &c.	- 4	Lincolnshire, &c.	- 15
Cambridgeshire, &c.	- 8	Lancashire, &c.	- 12
Cheshire, &c.	- 5	Middlesex, &c. (except London)	6
Derbyshire, &c.	- 5	London and the Liberties thereof	7
Devonshire, &c.	- 20	Norfolk, &c.	- 14
Dorsetshire, &c.	- 8	Northamptonshire, &c.	- 8
Durham, &c.	- 4	Northumberland, &c.	- 8
Essex, &c.	- 14	Nottinghamshire, &c.	- 6
Gloucestershire, &c.	- 8	Oxfordshire, &c.	- 6
Hertfordshire, &c.	- 6	Rutlandshire, &c.	- 2

single county of Cornwall elected forty-four, when Essex, and other counties bearing as great a share in the payment of taxes, sent no more than six or eight; this unequal representation of the people the parliament resolved to correct, and to permit only some of the principal cities and boroughs to choose, and that for the most part but one representative, the city of London only excepted, which, on account of the great proportion of their contributions and taxes, were allowed to elect six. The rest of the 400, whereof the parliament was to consist (*besides those that served for Ireland and Scotland*), were appointed to be chosen by the several counties, in as near a proportion as was possible to the sums charged upon them for the service of the state, and all men admitted to be electors who were worth 200*l.* in lands, leases, or goods."—ii. 435, 436.

* It is right to state that these details were published by the present writer in some papers written during the discussion of the reform bill in 1831, and afterwards republished in the Times newspaper, then ably and earnestly advocating that measure.

Staffordshire, and all the places within the same	-	6	Anglesey, and all the places within the same	-	1
Salop, &c.	-	8	Brecknockshire, &c.	-	2
Surrey, &c.	-	7	Cardiganshire, &c.	-	2
Southamptonshire, &c.	-	13	Carnarvonshire, &c.	-	1
Suffolk, &c.	-	16	Denbighshire, &c.	-	2
Somersetshire, &c.	-	14	Flintshire, &c.	-	1
Sussex, &c.	-	14	Glamorganshire, &c.	-	3
Westmoreland, &c.	-	3	Merionethshire, &c.	-	1
Wiltshire, &c.	-	13	Monmouthshire, &c.	-	3
Warwickshire, &c.	-	7	Montgomeryshire, &c.	-	2
Worcestershire, &c.	-	7	Pembrokeshire, &c.	-	3
Yorkshire, &c.	-	24	Radnorshire, &c.	-	2

With respect to qualification, he suggested that the elective franchise in towns should be exercised by all housekeepers of a certain rental (which he left to the determination of the house) and with an earnestness rendered remarkable by events of our own day, while he pressed the necessity of extending the franchise in counties, he urged the danger of *vesting it in those tenants whose tenure of estate subjected them to perpetual control*. His plan was to give the right of voting in counties to all persons *seised in an estate of freehold of lands, tenements, or other profits of the clear yearly value of 40s.*;—all tenants in ancient demesne;—customary tenants;—and all copyholders of any estate of inheritance in possession, of the clear yearly value of *5l.*;—all tenants *for life* of ancient demesne in possession, and all copyhold and customary tenants *for life* in possession of the clear yearly value of *5l.*;—all tenants in actual possession *for the term of one and twenty years or more*, in being, upon any lease granted, determinable upon life or lives, of the clear yearly value of *20l.* over and above the rent reserved or chargeable thereon,—and all tenants, *for the term of one and twenty years or more*, in being, in possession of the clear yearly value of *20l.* over and above any rent reserved or chargeable thereon.

After explaining the various heads of his report Vane moved “that they be referred to a grand committee of the house, to take into consideration and to prepare a bill to be presented.” The numerous sittings and delays that followed have been already described, and from the frequent divisions on the journals some notion may be

gathered of the nature of the points that came under sharpest discussion. The disfranchising and enfranchising clauses were debated at very considerable length, each town and county being put separately. One or two circumstances, taken almost at random from the journals during 1652, will intimate a startling resemblance between these debates and those of a later period. Many divisions are there recorded, which betoken hard struggles for condemned boroughs; and we find that immediately after Plympton (so renowned in a certain famous schedule A.) had been consigned to destruction by a decisive division, the claims of Queenborough (also in that notable schedule) seem to have been stoutly debated; for, on a division, the numbers were equal, and the half convicted borough was suffered to continue in existence only by the casting vote of the speaker. We may mention also that the proposal for uniting East and West Loo, in order to their sending one member, which was offered to and rejected by the parliament of 1831, had been entertained and accepted by the long parliament. Of the enfranchising clauses, we might refer for a specimen to the minutes of one day's proceedings, which gave to Arundel, Honiton, and Reigate (all in schedule B.) the privilege of retaining one member, and to Penryn and Bury (in schedules D. and E.) the right of sending two members each. One circumstance further is worthy of notice in thus slightly comparing the measures. The disastrous system of dividing the counties was in one instance, and in one instance only, adopted by the statesmen of the long parliament. On an amendment, and after long discussion, it was resolved that the members for the county of Yorkshire should be chosen separately, the elections for each riding to be made distinct. Here, however, in dividing a county already parcelled out in separate districts, none of the bad results so fairly to have been presumed, and since so deeply felt, from a general division of the counties, could be expected to accrue. Lastly, I may mention, that when Vane proposed to insert in the bill

the county qualification clause already described, Cromwell defeated him in several divisions, and substituted a 200*l.* qualification (real or personal) in its stead.

Thus are established the popular claims of sir Henry Vane the younger to the respect and admiration of posterity, in this his last parliamentary struggle for the liberties of the commonwealth. One striking circumstance more in connection with the subject should still be noticed. When Cromwell called his second and third parliaments he seems to have tried the experiment of the principal provisions of this famous bill. His "Instrument of Government" directed that a parliament should be summoned once in every *third* year — that all petty boroughs should be suppressed, and that the representation should be as nearly as might be, proportioned to the amount of taxation. It fixed the number of English members at 400,—of these 261 were to be county members, besides six for London, two for the Isle of Ely, two for the Isle of Wight, and two each for Exeter, Plymouth, Colchester, Gloucester, Canterbury, Leicester, Lincoln, Westminster, Norwich, Lynn, Yarmouth, Nottingham, Shrewsbury, Bristol, Taunton, Ipswich, Bury St. Edmunds, Southwark, Coventry, New Sarum, Worcester, and York. It gave one each to the two Universities, and one each to all the towns and boroughs that were thought worthy to be represented, among which are Manchester, Leeds, Halifax, &c., and it fixed the amount of qualification at 200*l.* of real or personal estate. And what was the result? The compilers of the Parliamentary History, no indifferent friends to the cause of the royalists, say, that "this popular and equitable scheme had filled the house of commons with so great a number of independent gentlemen of the best families and estates in the kingdom, that he (Cromwell) had no way to manage them but by excluding either by fraud or force those who were the true friends of the constitution." And he scrupled not to do so. He dissolved the first of the new parliaments because it presumed to discuss the

question, whether the government should be in a single person. He endeavoured strenuously, but in vain, to pack the second, by using various means to influence the elections ; and failing in that, excluded a hundred members by allowing none to enter without a certificate from the Council of State. Such was the practical working of even an imperfect copy of Vane's scheme.

Whatever may be thought, then, of the motives or policy of that statesman in deferring this measure, supposing, which is scarcely probable, that the delay was not beyond his control, no doubt he fell gloriously in his unsuccessful struggle to achieve it at last. He was driven from the government of the commonwealth by a traitorous usurper, because he proposed to strengthen it with new institutions, and replenish its languid veins with the vigorous blood of the people. He carried with him into his retirement that glorious consolation.

Some few days after the usurpation saw him quietly settled at Raby Castle. Here, or at his other seat of Belleau, in the county of Lincoln, with his family around him, he resumed the studies so inexpressibly dear to him, of learning, philosophy, and religion, and waited patiently for the first fitting occasion of striking another stroke for the GOOD OLD CAUSE.

Cromwell, meanwhile, drunk with power, was setting at nought the advice of his wisest counsellor. "Consider, frequently," wrote Milton to him, with noblest eloquence, and something of poetic licence, on his first assumption of the power, "consider in thy inmost thoughts, how dear a pledge, from how dear a parent intrusted (the gift liberty, the giver thy country), thou hast received into thy keeping. Revere the hope that is entertained of thee, the confident expectation of England ; call to mind the features and the wounds of all the brave men, who, under thy command, have contended for this inestimable prize ; call to mind the ashes and the image of those who fell in the bloody strife ; respect the apprehension and the discourse that is held of us by foreign nations, how much it is they look for, in the recollection

of our liberty, so bravely achieved, of our commonwealth, so gloriously constructed ; which if it shall be in so short a time subverted, nothing can be imagined more shameful and dishonourable ; *last of all, revere thyself*, so deeply bound, that that liberty, in securing which thou hast encountered such mighty hardships, and faced such fearful perils, shall, while in thy custody, neither be violated by thee, nor any way broken in upon by others. *Recollect, that thou thyself canst not be free, unless we are so ; for it is fitly so provided in the nature of things, that he who conquers another's liberty, in the very act loses his own ;* he becomes, and justly, the foremost slave. But indeed, if thou, the patron of our liberty, should undermine the freedom, which thou hadst but so lately built up, this would prove not only deadly and destructive to thine own fame, but to the entire and universal cause of religion and virtue. The very substance of piety and honour will be seen to have evaporated, and the most sacred ties and engagements will cease to have any value with our posterity ; than which a more grievous wound cannot be inflicted on human interests and happiness, since the fall of the first father of our race. Thou hast taken on thyself a task which will probe thee to the very vitals, and disclose to the eyes of all how much is thy courage, thy firmness, and thy fortitude ; whether that piety, perseverance, moderation, and justice, really exist in thee, in consideration of which we have believed that God hath given thee the supreme dignity over thy fellows. To govern three mighty states by thy counsels, to recal the people from their corrupt institutions to a purer and a nobler discipline, to extend thy thoughts and send out thy mind to our remotest shores, to foresee all, and provide for all, to shrink from no labour, to trample under foot and tear to pieces all the snares of pleasure, and all the entangling seducements of wealth and power ; these are matters so arduous, that, in comparison of them, the perils of war are but the sports of children. These will winnow thy faculties, and search thee to the

very soul ; they require a man, sustained by a strength that is more than human, and whose meditations and whose thoughts shall be in perpetual commerce with his Maker."*

Cromwell had now decisively shown that he was not that man. He had already richly entitled himself to the doom he had stirred against Charles the First ; for, like that unhappy prince, he had abruptly closed three parliaments in succession because they threatened to thwart his will. The splendid trust of foreign victories and supremacy which he had inherited from Vane's administration of the commonwealth, he indeed maintained, and the glories of his foreign administration served to conceal or patch over the ragged condition of his domestic government. In that government existed no single principle of stability. Plots and treasons shook it in every month of its existence, till at last, abandoning merely desultory acts of despotism, he was driven to organise a system of military inquisition (in his instructions to the major-generals) that should have the effect of superseding the conditions of civil government. Having accomplished this, he bethought him of getting together a more manageable parliament, and began to consider it possible that the nation, thoroughly discontented with military despotism, might possibly not be indisposed to listen to some compromise, involving the old institutions of kingship. Nothing could be attempted, at all events, without some shadow or form of a parliament. Old habits were much, and the English people might still further be deceived, by a prudent conciliation on that score. Alas ! he was indeed teaching them all the while an indifference to the liberty they had suffered so much in achieving — but not for himself the melancholy advantage ! England was at this time a scene of beggarly and disgraceful rehearsal for the grand farce of the 29th of May, 1660.

Cromwell's preparation for his present move in the game was very characteristic ; he published, on the 14th

* *Defensio Secunda pro Populo Anglicano.*

of March, 1656, a declaration, calling upon the people to observe a general fast, for the purpose of "applying themselves to the Lord to discover the Achan, who had so long obstructed the settlement of these distracted kingdoms." He had fixed his gloating aspirations on a crown, and with admirable originality, he therefore expressed the idea in this proclamation, that he and others associated with him in the government desired to humble themselves before God for their sins, and earnestly longed for light that they might discern their errors and faults, and therefore that it became them, with a spirit of lowliness, and mind open to conviction, to receive counsel and direction, in whatever methods Providence might adopt.

Sir Henry Vane had hitherto kept aloof from public affairs, engaged in the studies I have named. In the interim he had published the "*Retired Man's Meditations*" (a quarto volume of 430 pages), already described and quoted from, and other works illustrative of his views in religion and philosophy. With deep interest, indeed, he watched the proceedings of the usurper*, but in all the conspiracies and consultations of the disaffected, he peremptorily refused to take part. Reason and public spirit were *his* weapons, and he left every other to the simple "visionaries" and "enthusiasts" who, having stripped the commonwealth and her greatest statesmen of their liberties to clothe Cromwell with them, now conceived the noble project of assassination by way of hastening that saints' reign, which their idol had once promised them. The apples in that fool's paradise were sour at last.

Now, however, Vane entered the field, after his nobler fashion, against the dictator of the commonwealth. He wrote a political treatise, which he entitled "A

* Clarendon not very accurately describes his conduct to have been, that he "retired quietly to his house in the country; poisoned the affections of his neighbours towards the government; and lost nothing of his credit with the people; yet carried himself so warily, that he did nothing to disturb the peace of the nation, or to give Cromwell any advantage against him upon which to call him in question."

Healing Question propounded and resolved, upon Occasion of the late public and seasonable Call to Humiliation in order to Love and Union amongst the honest Party, and with a desire to apply Balm to the Wound, before it become incurable. By Henry Vane, Knight." In this treatise he enforced his old doctrines of civil and religious liberty, and added some theories and recommendations concerning the construction of a civil government, the result, no doubt, of quiet and philosophical reflection on the occurrences of his political life, which are in the last degree, striking and memorable. He here proposed, in fact, for the first time in the records of history, that expedient of organising a government, "on certain fundamentals not to be dispensed with," which was thought "visionary" and impracticable by the world, till the world learned to venerate the name of Washington.

Vane begins with a statement of the question thus :— "The question propounded is, What possibility doth yet remain (all things considered) of reconciling and uniting the dissenting judgments of honest men, within the three nations, who still pretend to agree in the spirit, justice, and reason of the same GOOD CAUSE, and what is the means to effect this?" Of that CAUSE he proceeds to say, that surely it "hath still the same goodness in it as ever; and is, or ought to be, as much in the hearts of all good people that have adhered to it; it is not less to be valued now, than when neither blood nor treasure were thought too dear to carry it out, and hold it up from sinking: and hath the same omnipotent God, whose great name is concerned in it, as well as his people's outward safety and welfare; who knows also how to give a revival to it, when secondary instruments and visible means fail, *or prove deceitful*." And that the latter had been proved, the writer added significantly, "It seemed as if God were pleased to stand still, and be as a looker-on," during the last three years, [that is, during Cromwell's tyranny.

In a subsequent passage this is more distinctly stated,

with all the dangers it was bringing the nation into, thus : — “ In the management of this war it pleased God, the righteous Judge (who was appealed to in the controversy), so to bless the counsel and forces of the persons concerned and engaged in this cause, as in the end to make them absolute and complete conquerors over their common enemy ; and by this means they had added unto the natural right which was in them before (and so declared by their representatives in parliament assembled), the right of conquest, for the strengthening of their just claim to be governed by national councils, and successive representatives of their own election and setting up. This they once thought they had been in possession of, when it was ratified, as it were, in the blood of the last king. But of late a great interruption having happened unto them in their former expectations, and, *instead thereof, something rising up that seems rather accommodated to the private and selfish interest* of a particular part (in comparison), than truly adequate to the common good and concern of the whole body engaged in this cause ; hence it is, that this compacted body is now *falling asunder into many dissenting parts* (a thing not unforeseen nor un hoped for by the common enemy all along as their last relief) ; and if these breaches be not timely healed, and the offences (before they take too deep root) removed, they will certainly work more to the advantage of the common enemy, than any of their own unwearied endeavours, and dangerous contrivances in foreign parts, put altogether.

Enlarging next on the universal advantages of liberty in civil and religious matters, Vane goes on to develop the method by which he thinks it might be secured to the people, and therein suggests the idea of a FUNDAMENTAL CONSTITUTION. He then directs the following vigorous passage against Cromwell : — “ The offence, which causes such great thoughts of heart amongst the honest party, (if it may be freely expressed, as sure it may, when the magistrate himself pro-

fesses he doth but desire, and wait for conviction therein,) is, in short, this, — that when the right and privilege is returned, nay, is restored by conquest unto the whole body (that forfeited not their interest therein) of freely disposing themselves in such a constitution of righteous government as may best answer the end held forth in this cause; that, nevertheless, either through delay they should be withheld as they are, or through design, they should come at last to be utterly denied the exercise of this their right, upon pretence that they are not in a capacity as yet to use it; which indeed hath some truth in it, if those, who are now in power and in command of the arms, do not prepare all things requisite thereunto, as they may, and like faithful guardians to the commonwealth, admitted to be in its nonage, they ought. *But, if the bringing of true freedom into exercise among men, yea, so refined a party of men, be impossible, why hath this been concealed all this while? and why was it not thought on before so much blood was spilt, and treasure spent? Surely such a thing as this was judged real and practicable, not imaginary and notional.* Besides, why may it not suffice to have been thus long delayed and withheld from the whole body, at least as to its being brought by them into exercise now at last? Surely the longer it is withheld, the stronger jealousies do increase, that it is intended to be assumed and engrossed by a party only, to the leaving the rest of the body, (who, in all reason and justice, ought to be equally participants with the other in the right and benefit of the conquest, for as much as the war was managed at the expense and for the safety of the whole,) in a condition almost as much exposed, and subject to be imposed upon, as if they had been enemies and conquered, not in any sense, conquerors. *If ever such an unrighteous, unkind, and deceitful dealing with brethren should happen,* although it might continue above the reach of question from human judicature, yet can we think it possible it should escape, and go unpunished by the immediate hand of the righteous Judge of the

whole world, *when he ariseth out of his place to do right to the oppressed.*"

After this wise, solemn, and searching reproof, Vane proceeds with masterly ingenuity to present such a view of events and affairs, as, without any personal allusion, made it clear to all eyes, that the ambition of Cromwell was the obstacle in the way of the establishment of a just and free government, that he was "the Achan who obstructed the settlement of these distracted kingdoms," and that, in preferring his own aggrandizement to the common good, and seizing an unlawful power, he had taken "of the accursed thing." He then delineates, in a passage ever deserving of remembrance, the course of proceedings by which a CONSTITUTION might be agreed upon and established, in reparation of all these injuries. The method, the reader will perceive, is exactly that which more than a century after was adopted by Washington and his immortal associates.

"The most natural way for which would seem to be by a general council, or CONVENTION of faithful, honest, and discerning men, *chosen for that purpose by the free consent of the whole body of adherents to this cause, in the several parts of the nation*, and observing the time and place of meeting appointed to them (with other circumstances concerning their election), by order from the present ruling power, *but considered as general of the army. Which convention is not properly to exercise the legislative power, but only to debate freely and agree upon the particulars, that by way of FUNDAMENTAL CONSTITUTIONS shall be laid and inviolably observed*, as the conditions upon which the whole body so represented doth consent to cast itself into a civil and politic incorporation, and under the visible form and administration of government therein declared, and to be by each individual member of the body subscribed in testimony of his or their particular consent given thereunto; which conditions so agreed (and amongst them an act of oblivion for all) will be without danger of being broken

and kept aloof from all cabals and private consults and disquisitions in political matters. His principal family seat was Raby Castle in the bishopric of Durham ; but his more favourite residence appears to have been at Belleau, in the county of Lincoln, where this summons, dated on the 29th of July, reached him on the 4th of August."

The summons was of the true despotic kind. It was couched in the most unceremonious form, without the word "sir," or any term of address at the beginning; and the mandatory clause was expressed simply in the phrase, "you are to attend."

Thursday, the 12th of August, was the day on which his presence was demanded before the council; but in a note to the president, he stated, that it would be impossible for him to be in town till some days later. On the 14th he sent a message signifying that he had that evening arrived at his house at Charing Cross, and was ready to appear when sent for. His attendance was not required till the 21st; and he appears to have been merely questioned as to the authorship of the tract, entitled, "A Healing Question," which he admitted to be his, and was suffered to leave the council. An order was then made in these words: "Sir Henry Vane having this day appeared before the council, and they having taken consideration of a seditious book by him written and published, entitled 'a Healing Question, &c.,' tending to the disturbance of the present government and the peace of the commonwealth, ordered that, if he shall not give good security in bond for 5,000*l.* by Thursday next [in the warrants of September 4, entered in the council books, it stands Tuesday], to do nothing to the prejudice of the present government and the peace of the commonwealth, he shall stand committed."* Upon this order being sent to him, he wrote for answer, that he could on no account comply with what was required, and by his own act do that,

* "Proceeds of the Protector (so called) and Council against sir Henry Vane," pp. 1—4.

which might blemish or bring in question his innocence, and the goodness of the cause for which he suffered. He further said, "I am well content to take this as a mark of honour from those who sent it, and as the recompence of my former services," and added, with a terrible significance: "I cannot but observe in this proceeding with me, how exactly they tread in the steps of the late king, whose design being to set the government free from all restraint of laws as to our persons and estates, and to render the monarchy absolute, thought he could employ no better means to effect it, than by casting into obloquy and disgrace all those who desired to preserve the laws and liberties of the nation." He concluded thus: — "It is with no small grief to be lamented, that the evil and wretched principles by which the late king aimed to work out his design, *should now revive and spring up under the hands of men, professing godliness.*"

Cromwell appears to have been brought to a stand for some little while by this high resolution and courage. Fourteen days were suffered to elapse, before a warrant was made out, directing the serjeant-at-arms to apprehend Vane, and conduct him to the Isle of Wight; another was sent to the governor of the island to receive him as a prisoner, and not to suffer any one to speak to him but in the presence of an officer.*

No public reason, it is to be observed, was given for this step. The English people were left to suppose, when they saw this great statesman sent by the Protector's order to a dungeon, that he had committed some terrible crime. In vain had sir Henry declared himself a member of the long parliament, which had never been legally dissolved, and claimed the privilege of security from personal arrest. He was seized by Cromwell's officers, sent to the island on the 9th of September, and committed to Carisbrook Castle, the very prison in which Charles I. had been confined during the

* "Order book" of the council of state.

last year of his life. The remark of Mr. Godwin on this infamous proceeding may fitly close the account of it.

“ Henry Cromwell describes Vane as one of the most rotten members of the community.* Such was not apparently the opinion of the Protector. He pays a high compliment to his victim, at the same time that he casts a burning disgrace on his own government, when he fairly states the tract in question as the sole ground for taking the author into custody, and sending him into confinement in the southernmost point of England. It was clearly confessing, that they had no charge against him, that his conduct had been altogether irreproachable, and that he was placed under restraint for an unlimited time, for having given his advice to his countrymen and their governors at a most critical period, in a style of exemplary temperance and sobriety. What must be the government of a country, when the first men in it are liable to such treatment, and no other accusation is pretended to be brought against them !”

But this “ conscience doth make cowards of us all,” and the once brave and gallant Cromwell, driven to the cowardice of this oppression against Vane, as little dared to keep him long a prisoner. He was released from Carisbrook on the 31st of December, 1656.

The parliament which had met meanwhile, will be hereafter (in the life of Marten) alluded to. Conspiracies once again surrounded Cromwell, and his anticipated crown was dashed from his hands. The “ Healing Question” was read continually at private meetings†, and discontent and danger lodged everywhere. The Protector strove to hide his troubles in every kind of fantastic resource, and to conceal pistols always upon his person ; but both were pretty well ascertained † by this time, and he had lost all pity, and sacrificed all esteem.

* Thurloe, iv. 509.

† Ib. 185.

‡ A curious incident which occurred on the 29th of September, may illustrate the remark of the text. It is thus related in Thurloe:—

“ His highness, accompanied only by the secretary, and a few of his gentlemen and servants, went to take the air in Hyde Park, where he

Still Vane remained, to torture, and be tortured. His influence perceptible every where, Cromwell, afraid to assault his liberty again, resolved, if he could, to strip him of his property, harass him by constant vexation, and thus compel him at last to submit to his government. With this view, measures were adopted to involve his estates in the meshes of the law. The attorney-general was employed to discover or invent flaws in the titles by which they were held. Bills were filed in the exchequer, and legal proceedings of various kinds were instituted. At the same time, he was given to understand, that if he would support the government all these measures should be stopped. In this way the whole power of Cromwell was brought to bear upon him; every art was used; and it was systematically and deliberately attempted, by a kind of slow torture, to wring from him his great fortune, and, by reducing him to poverty, to humble and break his spirit — but to no purpose. Among the faithless he was still found faithful. When all others proved false, he stood by his principles, and redeemed his pledges. When hope had been driven from the heart of every other republican, he did not despair or despond for a moment; when the name of liberty had become a proverb, a by-word, a reproach throughout the world, and its cause seemed utterly and for ever lost, his allegiance never faltered, and his spirit was filled with a “serene and undoubting confidence in its final triumph, which neither prisons, nor chains, nor the scaffold could shake or impair.”

caused a few dishes of meat to be brought, and made his dinner; after dinner the thought took him to drive his own coach, to which there were harnessed six fine horses, that had been sent him as a present by the count of Oldenburgh. He accordingly put Thurloe into the coach, and himself mounted the box. For some time he drove very well; but by and by, using the whip a little too violently, the horses set off at full speed. The postilion, endeavouring to hold them in, was thrown; and, soon after, Cromwell himself was precipitated from the box, and fell upon the pole, and from thence to the ground. His foot got entangled with the harness, and he was so carried along a good way, during which a pistol went off in his pocket [a proof that he was never without fire-arms]. At length his foot got clear, and he escaped, the coach passing along without injuring him.” He was confined with the consequences of the accident for two or three weeks.

In the interval which now intervened before the death of Cromwell, he appears to have written various matters. On the appearance of Harrington's "Oceana" he addressed a letter to him, which was published, entitled, "A needful Corrective or Balance in popular Government." He also published a theological work, entitled, "Of the Love of God, and Union with God;" and other learned treatises, chiefly on points of religion, were issued by him at this time.

Oliver Cromwell died on the anniversary of his great days of Worcester and Dunbar, the 3d of September, 1658, and writs for a parliament were at once issued by the council of his son and successor, Richard Cromwell, returnable on the 27th of the following January. The people kept quiet, and waited the issue. Upon this parliament, it was understood, it would rest to effect a settlement of the form of government, and so far to determine the fortunes of the nation. It was the natural consequence of this impression, that the election of its members became the occasion of the highest possible interest throughout the country. By the result of those elections, the struggle between the two great parties would be brought to a decision and a close. It is a proof of the fear which shook the residents of Whitehall, that the old and corrupt system of election was restored by them on this occasion.

Farther, and in no less memorable proof of their fear, they held it an object of paramount importance to prevent the election of sir Henry Vane to the ensuing parliament, and resorted to the most extraordinary and extreme measures to keep him out. He offered himself at Kingston upon Hull, of which place he claimed, as of right, to be considered the lawful representative, having sat as such in the long parliament. His right was confirmed by the electors; he was re-chosen by a full majority of their votes; but the managers of the election, being creatures of Richard Cromwell's party, in defiance of justice and public sentiment, gave the certificate of election to another. Vane was deter-

mined not to be defeated by such means ; he therefore proceeded to Bristol, entered a canvass, and received a majority of the votes. Here, also, the same bold and impudent outrage was committed by the officers ; and others whose names stood below his on the poll-books were declared to be elected. He still persevered, and was finally returned from Whitechurch in Hampshire.

On the 27th of January, Vane once more took his seat in the house of commons. The terror his presence inspired among what was called the "court" party was only a little counterbalanced by the "packed house" they had managed to get together. They had named the Scotch and Irish representatives, and commanded the votes of actual and expectant placemen, for the most part lawyers, to the amount of 170. There were besides about 100 moderates, waiters upon Providence, and masked royalists. The number of republicans to set against all this, were only 40, but they were headed by Vane, and ranked among them the names of Ludlow, Scot, and Bradshaw. Therefore the "court" trembled still.

They soon found that they had good reason for trembling. It was well understood among the republicans, that the first proceeding would be to confirm the government of Richard, and to sanction the house of peers, which his father had created. Vane had organised a small but resolute opposition to these measures with masterly power and skill. Their consultations before entering the house were always held at his residence at Charing Cross ; he managed their debates in the house itself, with the consummate genius of a popular leader ; and was supported with infinite resolution and energy by Scot and Ludlow. The court party had, indeed, good reason to tremble.

His first great display against Richard Cromwell, was on the debate upon the question of a recognition of his "undoubted" right, founded on the "petition and advice" of the late Protector. On the 9th of February, 1659, having reserved himself to a late day, after the

usages of the more eminent and influential parliamentary speakers in all times, "sir Harry Vane," rose, and spoke thus. The speech includes so many matters of importance, is so masterly an evidence of Vane's power, and embraces such an interesting sketch of his political experiences, that the reader will wish it longer even than it is.

"I know very well the great disadvantage that any person suffers, that in this great and grave assembly shall, at this time a day, offer you any thing. You have spent three days in the debate, and it is not unsuitable to your wisdom to be yet on the threshold. The more time you have taken, the more successful, probably, it may be.

"That which called me up at this time was what the last gentleman said, that is, to do things with unity. At least we shall be at greater unity, if not greater amity, by having patience to hear one another, and admitting the variety of reasons and judgments which are offered by all men. Though a large field has been led into, the thing is very short. Consider what it is we are upon,—a protector in the office of chief magistrate. But the office, of right, is in yourselves. It is in your hands, that you may have the honour of giving or not giving, as best likes you. You may confer it, if you please, for any law to the contrary brought now into your house. I shall advise you to this, as was moved: *give not by wholesale, so as to beg again by retail.* To give, will, at any time, get you many friends. It therefore concerns you in this business, to have your eyes in your heads, to look well about you, that it slip not from you without considering what is your right, and the right of the people.

"The wise providence of God has brought things, in these our days, to the state of government as we now find it. I observe a variety of opinions as to what our state of government is. Some conceive that it is in king, lords, and commons; that the principles of old foundations yet remain entire, so that all our evils, indeed, are imputed to our departure from thence.

" It hath pleased God, by well-known steps, to put a period, and to bring that government to a dissolution. All the three parliaments, in the late king's time, found the state of things in slavery. I have had some experience since the two parliaments in 1640, and remember when the parliament considered the state of the nations, that they found them in a grand thralldom of oppression and tyranny, endeavouring to carry us up even into popery. God made us see the state and condition we were then in. The consideration of these things would have made us make long sweeps to redress it ; but Providence led us on step by step. Therefore, having the legislative power, God saw it good that we should change the government : *but we found great difficulties in the work, as most men were willing rather to sit down by slavery, than to buy themselves out of it at so great a price.*

" The first thing expected was, that justice should be done upon delinquents ; who had so much the ear of that prince, that they told him he had power enough to protect himself and them too. He had the power of the militia. These grievances brought us to consider where the right of the militia lay ; and when we saw it was in ourselves, we thought to make use of it with moderation ; choosing rather to use it to reduce the king by fair means, than otherwise.

" So well satisfied was this house then with the principles of that government, that there was then a declaration drawn in favour of it. I was one of that committee. *I hear reflections as if I changed from that. I think it now my duty to change with better reason.* They did think fit to publish that which was to preserve that ancient fabric of government ; according to such qualifications as might be for the public service. I am well satisfied it was the clear intent of their hearts. But *this encouraged the king, and brought it to that issue at last, that he hardened his heart ; till it was resolved to make no more addresses, but to bring him to judgment.* But, in the mean time, applications were made

to him, still imploring him to be reconciled ; and nothing was wanting in the house, that if possible, he might have saved the government, and himself with it ; but God would not have it so. God knows best what that work is which he is to bring forth. When all applications could not prevail, they thought fit to bring the king to judgment. Thereby the state of affairs was much altered.

“ This house then thought fit to apply themselves the lords, against the Scots' invasion, and in the great case of justice upon the king. The lords refused both. In this juncture, they were reduced to the necessity of doing *that which is now the foundation of that building upon which you must stand, if you expect to be prosperous.* When they came to look upon the delinquency of the king, and considered him as an object of justice, it was declared by them that the taking away of kingship was the only happy way of returning to their own freedom. Their meaning thereby was, *that the original of all just power was in the people, and was reserved wholly to them, the representatives.*

“ When the parliament, in questions as to what was just and right, had gathered up all into themselves, it was disputed in what way the king should be tried. They counted themselves then prepared to grant out a commission to try the king. *I confess I was then exceedingly to seek, in the clearness of my judgment, as to the trial of the king. I was for six weeks absent from my seat here, out of my tenderness of blood. Yet, all power being thus in the people originally, I myself was afterward in the business.*

“ The king upon his trial denies this power to be in the parliament : they try it, and they seal it with the blood of the king. This action of theirs was commanded by this house to be recorded in all the courts of Westminster Hall, and in the Tower. If you be not now satisfied with this business, you will put a strange construction upon that action, and upon all that has been done by the general and soldiers. *If you, here, will now doubt this right to be in you, you draw the guilt upon*

the body of the whole nation. You join issue with him upon that point. It will be questioned whether that was an act of justice or murder.

"Brought step by step unto your natural right by an unavoidable necessity, that little remnant of the parliament were now the representative of the nation, springing up from another root. This had a more clear foundation, being thus the supreme judicature, to comprehend all government in itself. Whether the death of the king caused not a dissolution of that parliament, as to that doing it then had, and as it was taken to be—I know not—I leave that to the long robe.

"It was then necessary, as the first act, to have resort to the foundation of all just power, and to create and establish a free state; to bring the people out of bondage from all pretence of superiority over them. *It seemed plain to me, that all offices had their rise from the people, and that all should be accountable to them. If this be monstrous, then it is monstrous to be safe and rational, and to bear your own good.*

"It is objected, that this nation could not bear that government; but Holland bears it against the power of Orange. They keep the office of stadtholder vacant to this day. So do other places. *This is a principle, that we may bear it, if we can bear our own liberties, or, that if we have not the importance of the people of Israel: unless, with the Israelites, we will return to Egypt, weary of our journey to Canaan.*

"This being the case, we were declared a free state. We were after tossed upon all those billows that sunk us in the sands. Though we miscarried then; though this free state was shipwrecked; yet you have got a liberty left to say it is now again in your possession; else I am mistaken. *If it be so, I hope you will not part with it, but upon grounds of wisdom and fidelity. If you were but arbitrating in the cause of a private friend, you would make the best bargain for him that you could: you would so do as not to give away the right of him by whom you were intrusted, but upon good grounds. That which*

you give, give it freely on grounds of justice. Understand well your terms.

"This brings me to the consideration of another thing, which is, that the first government being dissolved, another is brought into the room. Though not perfect, yet, it is said, the foundations are laid, upon which we may build a superstructure of which we need not be ashamed. Now, SHALL WE BE UNDER-BUILDERS TO SUPREME STUART? We have no need, no obligation upon us, to return to that old government. I have a vote.

"For the covenant with the Scots, their invasion did render that covenant invalid. They would have repossessed a king and imposed him upon this nation, by virtue of that covenant which they had broken. The parliament showed that their shackles were broken; it did not oblige any further. That it was famous and had power! That was the Israelite's argument for worshipping the sun and moon. If we return to an obligation, by virtue of the covenant, by the same reason we may return to worship the sun and moon. I hope those shall not sway here.

"Lastly, at the dissolution of the long parliament, you lost your possession, not your right. The chief magistrate's place was assumed without a law. There was assumed with it, not only the power of the crown on the terms of former kings, which hath its foundation and regulation by the laws, but the possession was assumed. You were then under various forms of administration: some that had not the characters of trust upon them; some too limited. Still you were kept out of possession. Parliaments have been called, and as often broken.

"This 'petition and advice,' which is now so much insisted upon, was never intended to be the settled government, but only to be a *pair of stairs to ascend the throne*; a step to king, lords, and commons. It pleases God to let you see you have not been ill-counselled to wait upon him a first day, and a second and a third day, to see what he will hold out for your peace and safety, for asserting the liberties of the people. *This bill*

huddles up, in wholesale, what you have fought for, and is hasted on lest you should see it.

“ We have now a ‘ petition and advice ’ that comes in place of the ancient government, the ‘ instrument,’ and all other forms. Yet, if this were the case, you are, notwithstanding the petition and advice, in the clear rightful possession of this government, which cannot be disposed of but by your consent. The old protector thought it fit to have it given him from you, and had it, by your pleasure, invested upon him. But, although it was acknowledged that he had power to get it, yet he thought fit to make it your free gift. It will not be denied now. A presenting this office by that parliament, and the open investiture of him in your chair, prove it. Yet, as to this gift of yours, I dare be bold to say, the thing given was hardly understood. By giving of this office, they gave, in the 16th article, the power of their own dissolution !

“ It being acknowledged to have been your gift, let us consider what was given, and how given.

“ The gift was the executive power, the ruling power. That is the office of chief magistrate. All the legislature was then in the people. The commonwealth would not put the executive power out of their hands. For this reason, they set up those shadows, the keepers of the liberties of England, as an executive power, to distinguish it from the legislature. This, then, was the thing given, and this, the petition and advice hath made a difficulty of returning ! The power of the purse, indeed, is left us, because they know not how to take it from us. There is no dispute but you have a right to open the people’s purse, because kings knew *they* could not well take it ; but the chief magistrate ! they would not allow you that to give !

“ Now, this power and the office were given, it seems, by the regulation of the petition and advice ; the whole executive power of the late king was all given, at one clap, to the late protector for life. This being given to him, was not given absolutely to any other for life.

Nothing was given him more, only the nomination and declaration of a successor ; which must be according to law. So says the petition and advice. This nomination must first appear, before we can say this gentleman is the undoubted protector. Had I thought this had been said before, I should have spared both you and myself.

“ That which is now brought in, the bill of recognition, takes it for granted that there is no one in the possession of the protectorship ; for it requires that you acknowledge his right and title, not that we shall acknowledge his person, and then inquire what is this right and title. It is hard we should be put upon that. Let us know what this right and title is that we must recognise. But it seems the parliament that made the petition and advice, they gave it, and we must acknowledge it !

“ If he hath any right, it must be by one of these three ways : — 1. Either by the grace of God and by God’s providence, that if he hath a sword, he may take whatever is within the reach of it, and thus maintain his right. 2. Or as the son of the conqueror. He was, indeed, a conqueror on your behalf ; but never of yourselves fit for you to recognise. 3. Or lastly, by the petition and advice. But that cannot be urged, until it doth appear that he hath it according to that. Yet that is only a nomination, which hath nothing of constitution until you have made it. He must come to you for that. I appeal then, if this has not deserved three days’ debate. Deserves it not more, to set nails upon it ? May it not deserve a grand committee, to convince one another in love and unity ?

“ Therefore I shall move that this bill may, upon the whole matter, be committed to a grand committee, where reason may prevail.

“ It is not a sudden recognition, a sudden obtaining of the first steps that will direct us fairly into the room. It must be on an unshaken foundation, that you can ever hope to maintain it against the old line. *If you be minded to resort to the old government, you are not*

many steps from the old family. THEY WILL BE TOO HARD FOR YOU, IF THAT GOVERNMENT BE RESTORED.

"Instead of the son of a conqueror by nature, make him a son by adoption. Take him into your own family, and make him such an one as the great one shall direct you. When the army see that they are yours, they will be PROTECTED by you.

"I would have all names of sectaries laid aside, and righteousness go forward. Let fees and extortions be looked into, which make the laws themselves your oppressors. I have discharged my conscience, and look on it as a special testimony of God's providence that I am here to speak this before you."

Vane's retirement had not impaired his powers ! It is impossible to imagine, from this outline, a speech more able in itself, or better adapted to the purpose and position of the speaker. Yet history still excludes such speeches from her consideration in treating of the questions they refer to.*

The republicans were beaten, however, upon the extreme question, and, it being resolved to have the government vested in a "single person," Vane was driven to make the hardest fight he could for an extreme limitation of his power. On the 18th of February he addressed the house on this point.

"I would have the nature of the thing opened at little, that is to be the occasion of the further debate. I shall offer you my thoughts preparatively. You are now bounding the chief magistrate.

"The office of chief magistrate hath something in it essential, and which must be inviolably kept for him for the necessary preservation of the good of the whole, and the administration of justice.

"But it hath also something superfluous, and very chargeable. Such as are:—1. A thing called kingly power, which implies the whole affair of monarchy and

* This, and the other masterly efforts of Vane I shall shortly quote, were published about ten years ago in "Burton's Diary," by Mr. Towill Rutt. They have not been noticed since.

prerogative, which are great occasions of vain expenses and waste all the nation over. *Lay aside this state of kingly power, and keep your chief magistrate.* 2. The power of the chief magistrate as to the negative voice. The denying it by you to the chief magistrate as by the law of the nation now set up is fit and requisite. *When all these things are in our power, must we dispute it over again between the people and the chief magistrate?*

“The chief magistrate pretends to a power, not only of executing laws, but to enact laws; whereas it is the right of all to bind themselves, and to make those laws by which they are to be ruled. If corporations, or any society of men, have a right to make bye-laws, surely much more hath this house, which is the representative of the body of the nation. If the interest of the whole nation should lie at one man’s door, it were worse than in the meanest corporation; especially to serve a single person, or the interest of a few courtiers or flatterers.

“Thus it should be, that he should not deny what you find to be for your good. This our laws have declared that the single person ought to grant; *leges quas vulgus elegerit*. It was urged by lord Fiennes, who drew the declaration, that it was undeniable that the king should not deny laws.

“This, therefore, is of so great concernment, agreeable to the law of nature and the constitution of the nation. It was before—though, if it were not, it is now—in your power. Great weight was laid upon it in all propositions of peace, and so much weight depends upon it as in the proportion of restraining or binding of power it ought to be a principal ingredient. The chief magistrate may do well without it.

“On the other side, *I would have him possess all things needful to his acting for the people; all the power to draw in the public spirits of the nation to a public interest; but not power to do them or you any hurt. This is to make him more like God himself, who can do none. Flatterers will tell him otherwise; but they that wish his safety and honour will agree that he shall have power*

to do every thing that is good, and nothing that is hurtful. It is therefore necessary so to bind him as he may grow up with the public interest.

"It was offered that the militia and negative voice be included in the vote of your chief magistrate. Then it was answered, that the previous vote provided that nothing should be binding. It was then allowed the reason. Why is that reason denied now? That parliament that made the other house, surely had the legislative. They must either own that the legislative power was in that house, else nothing passed to them. If it stand not on that constitution, then it must stand on the old constitution.

"I shall clear it, that we are going to settle that which is fallacious. It will strip you at one time, and at one breath. You make void all your former expressions, which to me is as clear as day. If they can do none of those things till they have set up a co-ordinate power, then you can pass nothing here, but must have their concurrence. Pass this, and you will have that brought in upon you from the other house, that will confirm the single person in all things that concern him, and so your own liberties are left at loose. *If you have a mind to do aught for the people, do it clearly. Pronounce your judgment, that the chief magistrate shall have no negative upon the people assembled in parliament. Do this, else I shall take it for granted that you will have no fruit of your debate, and that you intend nothing for the people.*"

The people — still the people! for them he had struggled his whole life through, and still his hopes and objects were fixed alone on them.

The next effort Vane made against Richard was aimed at him through his administration. On February 21. secretary Thurloe moved the order of the day for going into details connected with the war, and asked the immediate sanction of the house to the preparation of such shipping and forces as might be necessary to promote the success of a mediation in the affairs of the kings of Sweden and Denmark in relation to the

Baltic Sea, and to the command of the Sound, wherein Sweden was to be assisted by England and Denmark by the Dutch. Upon this proposition, very peremptorily urged, Vane rose and said : —

“ I am yet perplexed in my thoughts ; therefore, *I shall only mind you of the old order in parliament. Upon such reports as this, or letters, or messages from the king, we never looked upon them the same day, but had a jealousy and suspicion of some court design in them, to engage us in such rash designs, before we knew where we were.*

“ I do not say there is any such thing now ; but it looks like some such thing. I told you, at first, that I feared matter of money was our chief concern. I fear still, the same thing is now intended, in that we must not have leave to sleep so much as one night upon it. We must give a million of money by a side wind ! Sure, we must find out this money—and yet we must not sleep upon it ! I dare not think of the sad consequence of this, unless your wisdoms will disintricate you in it.

“ It hath been the great wisdom of princes, that heretofore have had to do with the house of commons, who see not at first the sad consequences of things, *to make a war ; and then presently to make a peace ; and then put up the money that was given them towards the pretended war.* I do not say such things are now ; but I desire we may sleep upon this at least forty-eight hours.

“ I perceive many things are taken for granted, of which I am not yet fully satisfied : — 1. That the king of Denmark must be dispossessed. 2. That we must fit ourselves to take possession of some part of it, like birds of prey. 3. That Holland is your enemy already.

“ If it be our interest that Sweden should be emperor of the Baltic Seas, I should be very glad to understand how.

“ France may, perhaps, be willing to engage us in this quarrel ; and *when we are engaged, he will be as fit to bridge over somebody else as any other.* I move for Thursday or Friday.”

The government were here assailed in a weak point, and were at last obliged to give way. Three days after Vane again spoke to the same question, in answer to Thurloe. He insisted on a series of gross errors that had been committed, in promoting peace with Holland instead of war, in stirring up war with Spain instead of settling peace, and in flinging English influence at the feet of the most despotic minister of Europe, the cardinal Mazarin.

"We are not yet at the bottom. Many considerable things have been offered in the last matter of fact, by Mr. Secretary.

"What is declared is to me very satisfactory. He assures us there is no engagement, nothing of any private treaty, between us and the Swede, that he knows of. But may there not be an underhand, secret treaty, that he knows not of? I have heard something to that purpose, and upon very good intelligence, that there is an engagement.

"If the good providence of God had not interrupted it, I believe the question had not now been to have been decided by you. The fleet should have gone long since, but it was prevented; and if it had gone, this debate had been determined before this time. But I shall not go upon that ground, but only upon the grounds that are offered, and suit my discourse to that.

"The coalition with that state, the Dutch, if it had been well pursued, you had shut out all correspondency with the Spanish interest.

"I am not able to see through it, nor to understand how the whole style of managing the peace with Holland, and war with Spain, hath been agreeable at all to the interest of the state, but rather *very much to the interest of a single person.*

"The interest then used, and the endeavouring to bring the two nations to a coalition, which had made a great progress, would have drawn off the States wholly from the Spanish interest, which now mingles much in their counsels; and if that had been then followed

home, it would have made that state at that time wholly yours. If, when you sent ten thousand men to Jamaica, where you have left your dead men to your reproach, you had sent the same fleet to the Sound and fallen upon the Dutch, that would have done your business. You might have been a great way in Germany, and have made an emperor there yourself.

“ That which increases my jealousy is, that I see this affair all along managed *but to support the interest of a single person, and not for the public good, the people's interest.*

“ Our counsels have been mingled with France, and taken from the cardinal, who goeth upon the most tyrannical principles of government in the world. The French put us upon this remote design ; and out of that bow, I doubt, comes this shaft, to be sent into the Sound. Looks not this like a principle of cardinal Mazarine, for your *single person* to get a fleet into his hands ?

“ I know no reason you have to send a fleet indefinitely, implicitly upon this design. The Swede is absolute possessor of both sides of the Sound, and he will make sure of the passage too, if you do but assist him ; and when he hath it, he must either give it you by new treaty, or you must take it out of his hands by force.

“ When one half was in the Dane's hands, and the other in the Swede's it was then best for us, for we might be as necessary to the Dane as any other. And now France, when they see an opportunity, can easily resent former injuries. This business is not fit to be so openly debated. It requires more secrecy.

“ A twofold necessity has been thought of, and is put upon you.—1. It is not to be delayed till to-morrow. That will be too late. This is the very nick of time, and they put it upon you with so great necessity, that all other arguments must receive no favour. 2. You must transmit wholly to the disposal of your *single person*, to do what he pleases. There is nothing lost in the preparations of the fleet. Your officers, I believe,

are all commissioned upon that presumption, that the militia is already in him. Nought will satisfy, unless the militia be granted in the *single person* within twenty-four hours.

"In answer to the objection.—1. The vote will not seclude us, unless the disposal be in the *single person*, and by that you give away implicitly the power of the militia, before you have asserted your own right, or taken it upon yourselves. Oh! but you make the *single person* no other than a committee-man!

"*Yet, though loth to own it, lest you come to a commonwealth again, so dangerous, not so much as advice will be admitted!*

"2. And as you do not assert your right in the militia, so you do not assert your interest, or take that part of it that belongs to you in the very business before you. You must have the persons' names brought in to you to be approved. It is told you, you are not able here to make or manage peace or war! Your commander-in-chief must do it. I hope you will express your interest as well as a declaration. Assert the practice as well as the right of the militia. Be assured of the faithfulness of the commonwealth; first, of those persons that you send. I hope you will have an able commander, and one that hath given good testimony of his good affection towards you.

"3. You must at one day give up all the interest in the militia, upon the necessity that is urged upon you; the necessity that it must be done in this manner, and no other way.

"You have better methods! 1. Assert your militia to be in you. 2. Refer it to your commissioners, to see that no delay be in it. 3. Have your officers before you, and approve of them. 4. Appoint a committee of your own, to advise about disposing of this to the most public advantage."

This speech produced a very great effect. Its last recommendations in especial were most subtilly and effectively aimed. They revived the old disputes be-

tween the long parliament and Charles, which had so many significant associations connected with them, and brought back in its full force the startling question he had put to them in his previous speech of the 9th of February — “SHALL WE BE UNDER-BUILDERS TO SUPREME STUART?” Shall we lay the foundation of a system that must bring a ‘Charles the Second’ back to us sooner or later?

Some days after this, on the 1st of March, 1658, we accordingly find the old dispute upon the source of Richard’s power, the famous “Petition and Advice” to bind the present parliament, and the propriety of admitting of the title of the “other house” (as the miserable assembly of lords was contemptuously called), again in discussion. Vane’s speech ran thus:—

“The more I consider this, the more difficulty I meet with. I have my eye upon the petition and advice; and if you consider how things are left, upon the death of the late Protector, by that petition and advice, I am sure, unless you shut your eyes, *you may see that you are the undoubted legislative power of the nation; even by that constitution by which you are called, and the Protector himself proclaimed.*

“1. You know when the Recognition was pressed, how much it was urged that the Protector should be made out to be so, according to the petition and advice, namely, by due nomination; which hath never been done unto this day. The declaration of his highness appears not!

“Admit that he was duly nominated himself; yet there is no power in that petition and advice for this Protector to nominate another house: and that power in him is defective, because it was singly given to the late Protector.

“I would have you first examine, whether those now sitting have any foundation, as now called, by that law; there will be no cause of complaint against you by keeping to that rule.

“*I understand not that objection that we are sinew-*

shrunk and manacled, and cannot proceed; that we can effect nothing unless we transact with these men. You have as much power to make a house of lords with the concurrence of the Protector, as the last parliament had.

"I thought you would have gone to clear the rights and liberties of the people, and to have passed that between you and his highness, without owning the other house.

"Sir, we have as much power as those that made the petition and advice. *It is but the using of the just power.* We are wandering and cannot find the door, so great and wilful blindness is upon us. It has pleased God to confound us in our debates, that we cannot, in a third, come to a question; because we wander from our constitution.

"Cannot we dispatch the business of this parliament, and leave the other house alone till next parliament? Why may it not be left till then? Keep but true to the things you have already. I know not how we are limited. *Discourse abroad says, your vote is with them. How it comes, I know not!*

"It will be told you next, that a house of commons is unnecessary, and out of your ruins the Seventy shall be built up! Consider clearly whether this house now sitting have any foundation by this calling, to sit upon the petition and advice. If they have not, I think you are as fit to advise about calling them, as the council that called them."

Six days later, these questions assumed a more serious shape, and a very long and arduous debate was taken on the question of recognising this house of lords, which, secretary Thurlow, with amazing assurance, urged was as much entitled to existence under the "petition and advice" as the house of commons or the protectorate. This called up Vane, who gave way to greater passion, and even fierceness of manner, than he had ever shown before. The terrible intensity of every word in this speech is truly astonishing.

" I am very sorry to trouble you so late. Could I satisfy myself with these grounds that have been offered, I should not trouble you.

" If you pass in the negative, all the power is here. If the contrary, I dare say then all the power is gone hence.

" I conceive, in passing this in the negative, you do bring all power into this house, but not into that way of a commonwealth.

" When the power of king or house of lords is melted down into this house, it is in the people by the law of nature and reason. Death, and tract of time, may melt it and bring it down, but this shall never die. Where is then the anarchy, the sneaking oligarchy ?

" The representative body never dies, whoever die. Provision is made for it. By the law of the land, they could have come together if there had been no protector de facto. *You are ever thus.*

" You have voted a protector de facto, and put it in a way of a bill, to put it de jure, *and I hear no arguments now against it !*

" The question is not now, whether the petition and advice shall be a law, but whether it shall be so far as it is argued to be a law. Or whether it be not a lame law, to bring in king, lords, and commons, insensibly.

" It was told you by Mr. Attorney, of the duchy, that this was a restitution. But it is not told you how the power came into the hands of your old servants, that turned you out of doors.

" As to the petition and advice, they declared here that it was made elsewhere ; *and they gave you no more than they thought fit, a mere show !*

" A new family ; one peer in the room of another, and here's face about again !

" Consider the fate of that king. I wonder to hear arguments of force used.

" *If you pass this, you pass all.* The question is as catching as that of the French king. When I consider how comprehensive this question is, I wonder how it should be thought to pass in the affirmative.

" 1. You admit this "house" to be a rightful house, upon the same rightful foot with yourself. You admit them to be fit and meet persons, and that this is for the good of the people. 2. *You set up a means to perpetuate an arbitrary power over you, to lay yourselves aside, and make you for ever useless, I may say odious, for ever!*

" You settle 130,000*l.* per annum, such as never was done. You have granted the excise and customs for ever, and farmed them in such a way as to make the people cry out their governors are very unnatural. The people would never part with customs. You can relieve no grievances.

" Formerly you might have gone alone. Possession — you see how far it goes.

" The sore is, they are afraid that you should go alone to his highness and complain of his sneaking counsellors!

" *God is Almighty!*

" Will not you trust Him with the consequences? *He that has unsettled a monarchy of so many descents, in peaceable times, and brought you to the top of your liberties, though he drive you back for a while into the wilderness, he will bring you back. He is a wiser workman than to reject his own work.*

" Go you on to advise with his highness.—*Advise him, in his tender years, of the mal-administration!* I know no hindrance but you may transact with his highness alone, and agree of "another house" in the best way for the good of the nation."

The effect of this speech was so great, that upon an actual division of the English members, it is thought the republicans must have won the day. The Scotch and Irish nominees of the crown once more turned the balance against them.

Against these nominees Vane now directed his assaults. On the 9th of March he startled the house by telling them that in present circumstances they were no

house, and that "they had been out of order ever since they sat." Upon a point of order he rose and said,—

"I could not attend you yesterday in your great debate. If I understand any thing of order, you have been out of order ever since you sat. Till this was cleared, you ought to have done nought but choose your speaker.

"It arises thus to me. As your question was, last parliament, whether you would keep out so many members as that those that were in might make the petition and advice; now, the question is, whether you shall take in so many as are not members that may confirm it. You propose to transact with those persons here that have no foundation, that you may transact with persons that have no law to be another house. By this means you have subverted your own foundation. Your wisdom will be concerned in it, to part with a prize in your hands, that you know not how to manage. Again, it must be considered that they should withdraw, while this debate is afoot. Otherwise, they will hang upon you perpetually as a negative. As you lay your foundation, so will the weight of it be. You will look for peace, and have none.

"The vote for the single person passed with the greatest unanimity that ever was. When a man is asleep, he finds no hunger till he wake. *I doubt the people of England will be hungry when they awake!*

"A greater imposition never was by a single person upon a parliament, to put 60 votes upon you. By this means, it shall be brought upon you insensibly, to vote by Scotch and Irish members, to enforce all your votes hereafter."

It is a remarkable proof of the surpassing influence of Vane and the party he chiefly represented in this house, that notwithstanding even these nominees, and all the scandalous resources which had been employed to influence the elections, the republicans actually managed in the end to achieve a majority upon the omission of the word "undoubted" from the recognition of the Protector's title.

The last speech I shall notice in Burton's Diary of this parliament attests Vane's impartial justice and humanity. A petition had been presented to the house on the part of seventy persons, royalist prisoners, who had some years before been sent to Barbadoes. It appears that, when they arrived after much ill treatment at the place of their destination, they were sold in the public market. It was alleged, however, in answer to the petition by some of the protector's party, that their slavery was limited to five years, and that a distinction was made in favour of their condition, above that of the negroes who worked in the cultivation and preparation of sugar. These face-making friends of liberty protested, besides, that these men had basely resisted the cause of the right faith, and deserved extreme punishment. Most admirably did Vane answer them. A better retort was never made, nor was ever the distinction between hostilities, public and private, or between sincere enemies and false friends, more exquisitely given. The allusion from Lucretius, at the close, is in perfect keeping with the whole.

"I do not look on this business as a cavalierish business; but as a matter that concerns the liberty of the free-born people of England.

"To be used in this barbarous manner, put under hatches, to see no light till they came thither, and sold there for 100*l*.—such was the case of this Thomas!

"I am glad to hear the old cause so well resented; that we have a sense and loathing of the tyranny of the late king, and of all that tread in his steps, to impose on liberty and property! As I should be glad to see any discouragement upon the cavaliers, so I should be glad to see any discouragement and indignation of yours against such persons as tread in Charles Stuart's steps, whoever they be. The end of the major-generals was good as to keeping down that party, but the precedent was dangerous.

"Let us not be led away. Whenever the tables turn, the same will be imposed upon your best men,

that is now designed to the worst. There is a fallacy and subtilty on both hands. I would have you be as vigilant against that party as you can : but if you find the liberty and property of the people of England thus violated, take occasion from these ill precedents to make good laws.

" That which makes me hate the cavaliers, is their cause, and when I see others hate their cause, I shall believe them, that they hate their persons. I detest and abhor them as much as any. Let us not have new cavaliers and old. Let us hate it in those that tread in their steps, as well as in themselves. Be not cozened by popularity on the one hand, in complaints of this nature, nor on the other hand swallow up your liberties and properties. Do not that which is bonum only, but bonè."

An extraordinary party, meanwhile, had been formed without the doors of the house. It was supposed, by a large class of the more liberal section of Cromwell's officers, that Vane's objects might at last prevail, such was the irresistible power and energy with which, unsubdued and unrelaxing, he still urged them forward. They now suddenly resolved upon the policy of hastening their achievement, by forcing a dissolution of the present corrupt house ; and a petition had accordingly been prepared by these men, and was forwarded through the hands of Fleetwood, the young protector's brother-in-law, and Desborough, his uncle, to Richard, requesting him to dissolve the parliament. Richard, in alarm, accordingly despatched the keeper of the seal, as he was bidden, to dissolve the houses ; but, having received information of the design, the house of commons determined not to be dissolved, ordered their doors to be closed, and the gentleman usher of the black rod to be refused the permission of entry. Some of the members abruptly quitted the house. It was voted that the fugitives should be called back, and that no member should henceforth quit his place without leave. The Protector's summons to attend him in the house of lords was not

obeyed ; and while the usher unsuccessfully pressed for admittance, it is said * that Vane, resolved to use even this last opportunity of bringing Richard into contempt, rose, and addressed the speaker in these words : —

“ Mr. Speaker, — Among all the people of the universe, I know none who have shown so much zeal for the liberty of their country, as the English at this time have done: they have, by the help of divine Providence, overcome all obstacles, and have made themselves free. We have driven away the hereditary tyranny of the house of Stuart, at the expense of much blood and treasure, in hopes of enjoying hereditary liberty, after having shaken off the yoke of kingship ; and there is not a man amongst us, who could have imagined that any person would be so bold as to dare to attempt the ravishing from us that freedom, which cost us so much blood and so much labour. But so it happens, I know not by what misfortune, we are fallen into the error of those who poisoned the emperor Titus to make room for Domitian, who made away Augustus that they might have Tiberius, and changed Claudius for Nero. I am sensible these examples are foreign from my subject, since the Romans in those days were buried in lewdness and luxury ; whereas the people of England are now renowned, all over the world, for their great virtue and discipline ; and yet suffer an idiot without courage, without sense, nay, without ambition, to have dominion in a country of liberty ! One could bear a little with Oliver Cromwell, though, contrary to his oath of fidelity to the parliament, contrary to his duty to the public, contrary to the respect he owed that venerable body from whom he received his authority, he usurped the government. His merit was so extraordinary, that our judgments, our passions, might be blinded by it. He made his way to empire by the most illustrious actions :

* By the authors of the *Biographia Britannica*, Oldmixon, and others. The speech is not in Burton, because that diary abruptly closes, before the day in question.

he had under his command an army that had made him a conqueror, and a people that had made him their general. But as for Richard Cromwell his son, who is he? what are his titles? We have seen that he had a sword by his side; but did he ever draw it? And, what is of more importance in this case, is he fit to get obedience from a mighty nation, who could never make a footman obey him? Yet we must recognise this man as our king, under the style of Protector!—a man without birth, without courage, without conduct. For my part, I declare, sir, it shall never be said that I made such a man my master.”

Richard Cromwell never appeared in public again. The government continued for a short time to be administered in his name, but he was himself “null and void.”

After his formal abdication, which speedily followed, an open coalition was announced between the republicans and the more liberal division of officers, by the leaders of the respective parties, Vane and Fleetwood. The result of this was the resuscitation of the famous Long Parliament, and the administration of the government, for a short period, on republican principles. But for many reasons, which need not be discussed here, the cause was soon found hopeless. Upon the subsequent rupture between the parliament and the officers, Vane adhered to the latter, as the last resource against Monk in favour of a republic, accepted a commission*, and was ultimately, when that inextinguishable parliament revived itself again, carried under arrest for it into his seat in Lincolnshire. This adhesion to the officers has

* This was made matter of charge against him on his trial. He observed upon it thus:—“That which remains of further charge yet to me, is the business of a regiment, an employment, which I can in truth affirm, mine own inclinations, nature, and breeding little fitted me for, and which was intended only as honorary and titular, with relation to volunteers who, by their application to the council of state, in a time of great commotions, did propound their own officers, and, without any seeking of mine, or my considering any further of it, than as the use of my name, did, among others, nominate me for a colonel, which the council of state approved, granting commissions to myself and all other officers relating thereunto. And the parliament confirmed my said commission, upon report thereof made to them.

nevertheless been truly called "one of those acts which prove Vane a sagacious and sound politician." He saw that the commonwealth could be saved only by union with the army. He detected earlier than any other the designs of Monk, but strove in vain to collect materials for their overthrow. Haselrig and his silly associates of the long parliament were meanwhile in process of cajolment to their heart's content. Vane stayed at Belleau, now confident of the worst; and never at any time had Oliver Cromwell's despotism struck him so with anger or with shame, as when he now reflected on that state of indifference to liberty into which it had brought his countrymen.

I will rapidly sketch the general features of his conduct before his arrest, and then proceed to the "restoration." During his adhesion to the officers, he was appointed one of the committee of safety, to whom the supreme and entire power of the country was intrusted, until parliament could make further arrangements. The authority of this committee was to continue only for eight days. A council of state was subsequently agreed upon; and, on the 13th of May, he was nominated one of its members. He was also, at that time, chairman of a committee of this council, to whom the whole military and naval force of the country was committed, with power to make all appointments in each branch of the service. Soon afterwards, a special commission was formed to administer the affairs of the admiralty, and he was placed at its head. In September, 1659, he was made president of the council, and continued to serve in every important trust, as the leading member of committees of safety, and other executive and legislative committees. Upon one of the latter committees, he discharged his last noble effort for the great cause his life had been devoted to, by reporting a bill for the future and permanent settlement of the government, of which the following were the heads: —

"1. That the supreme power, delegated by the people to their trustees, ought to be in some fundamentals

not dispensed with;" that is, that a CONSTITUTION ought to be drawn up and established, specifying the principles by which the successive " trustees," or representatives, assembled under it, should be guided and restrained in the conduct of the government, and clearly stating those particulars in which they would not be permitted to legislate or act. 2. One point, which was to be determined and fixed in this constitution, so that no legislative power should ever be able to alter or move it, was this, — " That it is destructive to the people's liberties (to which, by God's blessing, they are fully restored) to admit any earthly king, or single person, to the legislative or executive power over this nation." 3. The only other principle reported as fundamental, and to be placed at the very basis of the constitution, was this, " That the supreme power is not entrusted to the people's trustees, to erect matters of faith and worship, so as to exercise compulsion therein."

Such services as these, however, were past for ever, for the people were now drunk with the orgies of the " restoration." Upon the occurrence of this event, Vane left his seat in Lincolnshire, and came up to a favourite residence he had at Hampstead, near London.* He was not " conscious of having done anything in relation to public affairs, for which he could not willingly and cheerfully suffer." He had taken no share in the trial or death of Charles I., and the new king had graciously promised a wide and merciful indemnity. But in the early part of July, 1660, he was arrested at Hampstead, and flung into the Tower.

Lord Clarendon was the author of this measure. A glance at the proceedings by which Vane was excepted from the indemnity shows it beyond the possibility of doubt. Long debates, and many conferences between the two houses of parliament, had taken place previously to the passing of that act. The house of commons proposed to subject to capital punishments those alone who had been immediately concerned in the trial and

* Ludlow, vol. iii. p. 111.

execution of Charles I., at the same time not exempting other offenders from penalties and forfeitures. The king himself, in a speech addressed to the lords on the subject of the act of indemnity, assured the house, that he never had entertained a thought of excepting any besides those immediately concerned in the murder of his father, and begged them not to exclude others from the benefit of the act. This mercy and indulgence, the king said, would be the best way to bring them to repentance, and the safest expedient to prevent future mischief. The house of lords, however, urged the necessity of excluding Vane, and this was distinctly on Clarendon's suggestion. In one of the conferences, the "lord chancellor Hyde" advised the exclusion of Vane, as "a man of mischievous activity." *The commons opposed this for some time.* At length, after three conferences, they agreed to except him, *on a suggestion from the lord-chancellor, that the two houses should petition the king to spare his life.* A petition of the two houses was accordingly presented, praying the king, on behalf of sir Henry Vane, that, if he should be attainted, his execution might be remitted. The king received the petition, and granted the request. Even bishop Burnet admits the king gave a favourable answer, though in general words. On his trial Vane pleaded the royal promise in his defence, and the fact of such a promise was not denied by the counsel for the prosecution. The promise itself was absolutely read in the court.

During these debates, the illustrious prisoner had been moved from prison to prison, and was at length immured in a solitary castle on one of the isles of Scilly.

Here he was deliberately kept till a more pliant parliament could be got together for the purposes of his murder. It is not a harsh expression to use in this case. From the moment of the restoration, Charles and his chancellor had resolved upon the murder of Vane. They procured his exception from the indemnity act by a trick, and now waited till a house of

commons, more slavish and more zealous for royalty than that of the convention parliament, could be set on to clamour for his death.

For two years, necessary to the completion of this diabolical plan, he was kept a prisoner ; and here, on Scilly, while waiting this slow approach of vengeance, in the solitary and dismal recesses of a desolate castle, he lost neither his lofty spirit nor his calm philosophy. Although separated from his family and friends, and severed, as it were, from the earth itself, shut out from the light of heaven and the intercourse of man, hearing no sound but the dashing of the ocean's waves against the foundation-stones, and the howling of its storms among the turrets, of his feudal prison, his soul was serene and unruffled, the abode of peace and light. Religion and philosophy, to whose service he had devoted his great faculties and pure affections, in the days of his ardent youth and glorious manhood, when power and prosperity were his lot, and the world was bright before him, now came to solace and cheer, and bless him, in the reverse of his earthly fortunes, and when the dark clouds were gathering around the close of his career. " Although," pursues an eloquent writer, speaking of him at this period, " to human eye all his efforts had failed, and the cause of liberty was utterly lost and undone, when even hope itself had fled from every other breast, he did not despond. Not a shadow of doubt passed over his spirit. His confidence was founded upon a rock, and his faith in the promises of God, disclosed to his clear and heaven-illuminated vision the sure prospect of the happy period, when there would be no more tyranny or oppression on the earth. He felt that the hour of his final trial was rapidly approaching ; and, although there was a constitutional delicacy and tenderness in his nature, which had even made him so sensitive to physical suffering, as to lead his enemies to charge him with a want of personal courage, he contemplated death with a singular calmness and complacency of spirit. And well he

might; for, when he looked back over his life, his mind rested with a just satisfaction upon the faithful and constant devotion of his talents to the cause of God and his people; and, when he turned towards the future, he contemplated, with a glorious hope and blessed assurance, the rewards in reserve for sincerity, benevolence, and piety, in that world where the wicked cease from troubling, and the weary are at rest."

Some of the writings with which this imprisonment was thus dignified and solaced happily remain on record. It was here he wrote the "People's Case Stated," which I have already fully described, and other religious works in accordance with the pure faith and the elevated doctrine which have also received ample illustration in these pages. Other fragments of works remain, and are, many of them, of a deeply touching character. He wrote of "Government," of "Religion," of "Life," of "Death," of "Friends," of "Enemies," with all the calmness of an ancient philosopher, but in the deepest and most generous spirit of diviner Christianity. The GOOD OLD CAUSE was now apparently lost for ever. All its greatest friends had sunk into the grave, or were wandering in exile, or immured in dungeons, or perishing on the scaffold. His own blood was, he well knew, thirsted after by powerful enemies. Yet he contemplated all things as he had ever contemplated them; he saw all the objects of his glorious life as they had ever been present with him, save only that now his hope was gone of himself surviving to witness their achievement.

"The people's cause, whom God after trial hath declared free, is a righteous one, though not so prudently and righteously managed as it might and ought to have been. God's doom is therefore justly executed upon us, with what intent and jugglings soever it was prosecuted by men."

In his Meditations on Death, he regarded that event not only with cheerful fortitude, but in the profoundest spirit of philosophy.

"Death is the inevitable law God and nature have

put upon us. Things certain should not be feared, but expected. Things doubtful only are to be feared. Death, instead of taking away any thing from us, gives us all, even the perfection of our natures ; sets us at liberty both from our own bodily desires and others' domination ; makes the servant free from his master. It doth not bring us into darkness, but takes darkness out of us, us out of darkness, and puts us into marvellous light. Nothing perishes or is dissolved by death, but the veil and covering, which is wont to be done away from all ripe fruit. It brings us out of a dark dungeon, through the crannies whereof our sight of light is but weak and small, and brings us into an open liberty, an estate of light and life, unveiled and perpetual. It takes us out of that mortality which began in the womb of our mother, and now ends to bring us into that life which shall never end. This day, which thou fearest as thy last, is thy birthday into eternity.

" Death holds a high place in the policy and great commonwealth of the world. It is very profitable for the succession and continuance of the works of nature.

" The fading corruption, and loss of this life, is the passage into a better. Death is no less essential to us, than to live, or to be born. In flying death thou flyest thyself : thy essence is equally parted into these two, life and death. It is the condition and law of thy creation. Men are not sent into the world by God, but with purpose to go forth again ; which he that is not willing to do, should not come in.

" The first day of thy birth bindeth thee and sets thee in the way as well to death as to life. To be unwilling therefore to die, is to be unwilling to be a man, since to be a man is to be mortal. It being therefore so serviceable to nature and the institution of it, why should it be feared or shunned ? Besides, it is necessary and inevitable : we must do our best endeavour in things that are not remediless, but ought to grow resolute in things past remedy.

" It is most just, reasonable, and desirable, to arrive at that place towards which we are always walking.

Why fearest thou to go whither all the world goes? *It is the part of a valiant and generous mind, to prefer some things before life, as things for which a man should not doubt nor fear to die.* In such a case, however matters go, a man must more account thereof than of his life. He must run his race with resolution, that he may perform things profitable and exemplary.

"The contempt of death is that which produceth the boldest and most honourable exploits. He that fears not to die, fears nothing. From hence have proceeded the commendable resolutions and free speeches of virtue, uttered by men of whom the world has not been worthy."*

Of "Life" he had then instructed himself to think as only the passage to a place where knowledge and virtue would be better achieved after the body was in the grave:—

"There is a time to live and a time to die. A good death is far better and more eligible than an ill life. A wise man lives but so long as his life is more worth than his death. The longer life is not always the better. To what end serves a long life? Simply to live,

* Again, in another passage of this exquisite fragment he says—"True natural wisdom pursueth the learning and practice of dying well, as the very end of life; and, indeed, he hath not spent his life ill that hath learned to die well. It is the chiefest thing and duty of life. The knowledge of dying is the knowledge of liberty, the state of true freedom, the way to fear nothing, to live well, contentedly and peaceably. Without this there is no more pleasure in life than in the fruition of that thing which a man feareth always to lose. In order to which, we must above all endeavour that our sins may die, and that we see them dead before ourselves, which alone can give us boldness in the day of judgment, and make us always ready and prepared for death. Death is not to be feared and fled from, as it is by most, but sweetly and patiently to be waited for, as a thing natural, reasonable, and inevitable."

I cannot resist giving one extract more, in which we find two thoughts expressed almost literally in Shakspeare's words:—"It is a good time to die, when to live is rather a burthen than a blessing, and there is more ill in life than good. There are many things in life far worse than death, in respect whereof we should rather die than live. The more voluntary our death is, the more honourable. Life may be taken away from every man, by every man, but not death."

"It is a great point of wisdom to know the right hour and fit season to die. *Many men have survived their own glory.* That is the best death which is well recollected in itself, quiet, solitary, and attendeth wholly to what at that time is fittest."

"They that live by faith, die daily. The life which faith teaches, works death. It leads up the mind to things not seen, which are eternal, and takes it off with its affections and desires, from things seen, which are temporary."

breathe, eat, drink, and see this world. What needs so long a time for all this? Methinks we should soon be tired with the daily repetition of these and the like vanities. Would we live long to gain knowledge, experience, and virtue? This seems an honest design, but is better to be had other ways by good men, when their bodies are in the grave."

In another most beautiful passage on this subject, his peculiar religious faith is strikingly shown: —

"The knowledge, sight, and experience of such a kind of subsisting and heavenly manner of life, that man is capable of, is the best preparative, and most powerful motive, to leave the body, and surcease the use of our earthly organs. This, in effect, is all that bodily death, rightly known and understood, doth impart: a lawful surceasing the use and exercise of our earthly organs, and our willing and cheerful resorting to the use and exercise of that life without the body, which man is capable to subsist in, when made perfect in spirit, an equal and associate with angels, under the power and order of expressing what he inwardly conceives, as they do. This made Paul look upon life in the body, and life out of it, with no indifferent eye; as accounting the being at home in the body an absence from the Lord; and such a kind of absence from the body as death causes, to be that which makes us most present with the Lord; which, therefore, he should be most willing unto, and, with greatest longing after, desire."

Towards the close of the second year of his imprisonment, we ascertain the desperate efforts his enemies were making to force on his trial, in passages of a most affecting letter to his wife.

"MY DEAR HEART," he begins, "the wind yet continuing contrary, makes me desirous to be as much in converse with thee, (having this opportunity) as the providence of God will permit; hoping these will come safe to your hand. It is no small satisfaction to me, in these sharp trials, to experience the truth of those Christian

principles, while God, of his grace, hath afforded you and me the knowledge, and emboldened us to make the profession, of. Have faith and hope, my dearest. God's arm is not shortened; doubtless great and precious promises are yet in store to be accomplished in and upon believers. here on earth, to the making of Christ admired in them. And if we cannot live in the power and actual possession of them, yet if we die in the certain foresight and embracing of them by faith, it will be our great blessing. *This dark night and black shade which God hath drawn over his work in the midst of us, may be, for aught we know, the ground-colour to some beautiful piece that he is now exposing to the light.*" Dwelling next upon the trials he had been called to, with a view to the working out of this most sublime image, he expresses the good and holy influence which afflictions are intended by Providence to exert upon the christian aspects of man's character. "Nor would I have it thought, that I have already attained the powerful practice of this holy duty and perfection, but it is much in my desire, aim, and hope. The difficult circumstances I am in, and that I am still more and more every day cast into, by God's wise-disposing providence, to the sequestering me from the world, and withholding all sensible comforts from me, so much as he doth, make me, in some sort, confident it is for a good end, and that out of love and faithfulness I am made to drink of this bitter cup, the better to help forward that necessary work in me, and upon me, wherein consists the glorious liberty of the sons of God.

"If I may have and enjoy this, it would seem a very little matter to me to be in outward bonds, banishment, want, or any other afflictions. Help me, then, (in all your cares and solitudes about me,) to what will further and advance this work in me. The Lord grant me and mine to be content, if he deny us to live of our own, and will bring us to the daily bread of his finding, which he will have us wait for, fresh and fresh from his own table, without knowing any thing of it beforehand. Perad-

venture there is a greater sweetness and blessing in such a condition than we can imagine till we have tried it. This may add to my help, even our making little haste to get out of our troubles, patiently waiting till God's time come, wherein he will open the prison doors, either by death, or some other way, as he please, for the magnifying his own great name, not suffering us to be our own choosers in any thing, as hitherto hath been his way with us.

“ And why should such a taking up sanctuary in God, and desiring to continue a pilgrim and solitary in this world, whilst I am in it, *afford still matter of jealousy, distrust, and rage, as I see it doth to those who are unwilling that I should be buried and lie quiet in my grave, where I now am. They that press so earnestly to carry on my trial do little know what presence of God may be afforded me in it and issue out of it, to the magnifying of Christ in my body, by life or by death.* Nor can they, I am sure, imagine how much I desire to be dissolved and to be with Christ, which of all things that can befall me I account best of all. And till then, I desire to be made faithful in my place and station, to make confession of him before men and not deny his name, if called forth to give a public testimony and witness concerning him, and to be herein nothing terrified. What then will the hurt be, that I can or shall receive by the worst that man can do unto me, who can but kill the body, and thereby open my prison door, that I may ascend into the pleasures that are at Christ's right hand? If the storm against us grow still higher and higher, so as to strip us of all we have, the earth is still the Lord's and the fulness thereof; he hath a good storehouse for us to live upon. God can, and (if he think fit) will chalk out some way, wherein he may appear by his providence to choose for us, and not leave us to our own choice. And being contracted into that small compass, which he shall think fit to reduce us unto, we may, perhaps, meet with as true inward contentment, and see as great a mercy in such a seques-

tration from the world, as if we were in the greatest outward prosperity. I know nothing that remains to us, but like a tossed ship in a storm, to let ourselves be tossed and driven with the winds, till He that can make these storms to cease, and bring us into a safe haven, do work out our deliverance for us. I doubt not but you will accordingly endeavour to prepare for the worst."

"In this letter, it will be seen, Vane's touching design is not solely to prepare his wife and family for his death, which he knew to be near, but also to sustain and solace them in the poverty to which they would be left, should his estates suffer the forfeitures of treason. Soon after its date, which was March 7th, 1662, he was removed from Scilly to the Tower of London. The grand jury having found a bill against him as "a false traitor, &c.," he was arraigned before the court of king's bench on the 2d of June, 1662.

Vane was refused the assistance of counsel, and stood alone on the floor of the court that memorable day, against the attorney-general*, the solicitor-general, and four others of the most eminent lawyers in the kingdom; among whom were men that had been agents in the affairs of the commonwealth when Vane was its most eminent chief! He was not permitted to see his indictment before it was now read, or to have a copy of it afterwards, and he had been denied the benefit of legal advice or consultation out of the court as well as in. Yet he stood upon the floor of that court, the most cheerful and unmoved person there.

The indictment charged him with compassing and imagining the death of Charles II., and conspiring to subvert the ancient frame of the kingly government of

* This was the eccentric sir Geoffrey Palmer, of whom Roger North gives a very graphic sketch. He was distinguished by his ability and masterly knowledge in his profession, and his wisdom and generosity are said to have been incomparable. During all the troubles of the age, he lived quiet in the Temple, a professed and known cavalier; and no temptation of fear or profit could ever shake his principles. He had great business in conveyancing, and would not keep a clerk who was not a strict cavalier. One of his clerks was said to be so rigid, that he would never write the word Oliver with a great O, and the attorney-general himself was reported to have purchased the manor of Charlton from its resemblance to the name of his royal master.

the realm. The overt acts laid in the indictment were, that the prisoner, in concert with other traitors, assembled and consulted to destroy the king and the government, and to exclude the king from the exercise of his royal authority ; and that he took upon himself the government of the forces of the nation by sea and land, and appointed officers to hold command in an army raised against the king ; and for the purpose of effecting his design, did actually, in the county of Middlesex, levy war against the king.

This indictment, at Vane's request, was read over to him twice, in English ; he then desired that it might be read over to him in Latin, but this was refused. After taking some objections to the indictment, the most important of which was, that, as the offences charged in it were committed in his capacity as a member of parliament, or as acting under its commission, he could only be held to answer for them before parliament itself, and not at the bar of any inferior or other tribunal, — the judges peremptorily over-ruled them, and required him to answer to the indictment " Guilty " or " Not guilty."

Vane then urged, at great length, those reasons which led him to decline to put himself on trial by pleading to the indictment. Never were undeniable reasons pressed with such power and ability. He showed that it was impossible for him to have that equal and just trial which was his right as an Englishman. He argued, that, contrary to all the authorities and principles of English law, which he cited, he was arraigned before judges who, in another place, had pre-judged his case and recorded their votes against him. He dwelt upon the months and years that had been occupied in contriving and collecting secret evidence to sustain the prosecution, while he had all the time been kept a close prisoner.* He

* " It is observable how early hard measure appeared in the way wherein the prisoner became excepted out of the act of indemnity, when the commons, his proper judges, declared him in their thoughts not fit to be endangered in the point of life ; yet unto the judgment of the lords, (that ought not to judge commons, unbrought before them by the commons,

entered upon a particular examination of the specifications brought against him, and showed that they were vague, and general, and such as did not bear against him individually, but as a member of a parliament to which he was lawfully elected, and in which he had acted in concurrence with the nation from time to time. In conclusion he addressed his judges, in this nervous and solemn strain: —

“Unto this, unless some remedy be afforded by the justice, candour, and favour of this court, it may be better for the prisoner (for aught he yet knows) to be immediately destroyed by special command, (if nothing else will satisfy,) without any form of law, as one to whom quarter, after at least two years’ cool blood, is

much less, in opposite judgment to the commons), the commons were necessitated to yield, lest otherwise the act of indemnity to the whole nation should stop upon this dispute and essential difference between the two houses; a competition, easily over-ruled; although, as it proves by the sequel, that act of indemnity is like to become *felio de se*, or a destroyer of itself, if your lordships should conceive yourselves at liberty, notwithstanding that act, not only to bring anew into memory upon the stage, the state of all the past differences, from first to last, but to try and judge the merit of them in my person, and therein call in question the validity of that whole act, and make void the benefit intended by it, in case the war undertaken and managed by both or either of the houses of parliament, be judged unlawful, and within the statute of 25 Edward III. For this adjudges all the people of England morally guilty of the evil of a sin and offence against the law of nature, which once done, whatever promised indemnity be granted for the present, the evil of the action remaineth upon record, not only to the infamy of the whole people of England, but their future danger, upon pretence that they have forfeited the very indemnity granted.

“The length of time taken to search out matter against the prisoner, and the undue practices and courses to find out witnesses, do further evidence how unlike the prisoner is to have an equal and indifferent trial. He doubts not, this will appear in his two years’ close imprisonment, (six months whereof was banishment) during which time, he was never so much as once examined, or had any question put to him, whereby he might conjecture wherefore he was committed to prison, any further than was expressed in the warrants of commitments. Now these were so general, that nothing certain or particular could be gathered out of them. But upon the received opinion, that he was excepted out of the act of indemnity, and in the sense of both houses, a great delinquent, his estate was attempted to be inventoried, his rentals demanded, his rents were actually seized in the tenants’ hands, and they forbidden to pay them. His very courts were prohibited by officers of great personages, claiming the grant of the estate, and threatening his officers from doing their duty. By these kind of undue proceedings, the prisoner had not wherewithal to maintain himself in prison, and his debts, to the value of above 10,000*l*., were undischarged, either principal or interest. The hopes of private lucre and profit hereby, was such in the tenants and other persons, sought out for far and near, to be witnesses, that it is no wonder at last, something by way of charge comes to be exhibited.” The foregoing is from a paper he left behind him in his prison, indorsed “*Memorandums pleadable on my arraignment.*”

thought fit to be denied in relation to the late wars. This may seem better than under a colour and form of justice, to pretend to give him the benefit of the law and the king's courts, whose part it is to set free the innocent, upon an equal and indifferent trial had before them, if their cause will bear it : but it is very visible beforehand, that all possible means of defence are taken and withheld from him, and laws are made *ex post facto*, to forejudge the merit of the cause, the party being unheard.

“And when he hath said all this, that, as a rational man, does occur to him, and is fit for him to represent in all humility to the court, he craves leave further to add ; that he stands at this bar not only as a man, and a man clothed with the privileges of the most sovereign court, but as a christian that hath faith and reliance in God, through whose gracious and wise appointment he is brought into these circumstances, and unto this place at this time, whose will he desires to be found resigned up into, as well in what he now calls him to suffer, as in what he hath called him formerly to act, for the good of his country, and of the people of God in it. Upon this bottom, he blesses the name of his God, he is fearless, and knows the issue will be good, whatever it prove. God's strength may appear in the prisoner's weakness ; and the more all things carry the face of certain ruin and destruction unto all that is near and dear to him in this world, the more will divine deliverance and salvation appear ; to the making good of that Scripture, that he that is content to lose his life in God's cause and way, shall save it, and he that instead thereof goes about to save his life upon undue terms, shall lose it.

“Far be it therefore from me, to have knowingly, maliciously, or wittingly offended the law, rightly understood and asserted ; much less, to have done any thing that is *malum per se*, or that is morally evil. This is what I allow not as I am a man, and what I desire with steadfastness to resist, as I am a Christian. If I can judge any thing of my own case, the true reason of the present difficulties and straits I am in, is because I have

desired to walk by a just and righteous rule in all my actions; and not to serve the lusts and passions of men, but rather to die, than wittingly and deliberately sin against God and transgress his holy laws, or prefer my own private interest before the good of the whole community I relate unto, in the kingdom where the lot of my residence is cast."

Before resuming his seat, Vane once more claimed the benefit of counsel. The court told him that if he would plead, and put himself on the issue, he should then have counsel assigned. After considerable urging, and with evident reluctance and distrust of the sincerity of the court and its promise, he was prevailed upon to comply, and to plead not guilty. He was at once remanded to prison, and, four days after, was brought up to trial.

Upon taking his place in the court, he claimed the promise of his judges, and was told that *they* would be his counsel! So went on this deliberate murder. Since the first promise was made, chief justice Forster (who presided at the trial), had been to Hampton Court, and received instructions. He and his associates, throughout, were merely the instruments of the murderers behind the scene, Charles and Clarendon. Chief justice Forster had even been overheard to say, on the day of arraignment, when the convincing arguments of the prisoner had left the prosecuting officers without the power of answering them, "Though we know not what to say to him, we know what to do with him."

The attorney-general, sir Geoffrey Palmer, now stated the nature of the overt acts charged against the prisoner, and the particulars of the proofs. "We shall prove," he said, "that the prisoner sat with others in several councils, or rather confederacies, encroached the government, levied forces, appointed officers, and at last levied open and actual war at the head of a regiment; and though he be chargeable for any crime of treason since the beginning of the late war, yet we shall confine the facts of which we charge him to the reign of

his present majesty." The first piece of evidence was a warrant under the hand and seal of the prisoner, directed to the officers of the navy, and commanding them to issue out stores for the service of the government. The signature of the prisoner was proved by two witnesses acquainted with the general character of his handwriting. Several entries in the journals of the house of commons were then read. One of them, dated the 1st of February, 1649, purported to be an order for establishing a council of state. Another entry, of the date of the 13th of February in the same year, contained instructions to the council of state, requiring them to suppress the attempts of any who should pretend title to the kingly government, from the late king, or from his son, or from any other person. The attorney-general insisted that the former part of these instructions showed an interest to destroy the person of the king; and that the latter part showed an interest to destroy the kingly government. It appeared from another entry in the journals, of the 14th of February, 1649, that the prisoner had been chosen a member of of the council of state, and had acted upon the instructions before mentioned, and usually sat in the council; and that he had also acted as treasurer of the navy. The fact of his sitting as member, in a committee of council, was also proved by witnesses. It was further proved, that in 1651 he was appointed president of the council of state, and as such signed orders for military equipments. Another entry was read, dated 7th of May, 1659, from which it appeared that a committee of safety had been appointed for the care of the commonwealth, and that the prisoner was one of its members, and as such had acted in conference with foreign ambassadors, and nominated officers to commands in the army, and had made several orders, and acted in various other ways in the service of the commonwealth. A witness of the name of Marsh proved that the prisoner proposed a new model of the government, Whitelocke presiding in the chair; and

that one of the particulars proposed was a resolution declaring it destructive to the people's liberty to admit any king into power. Another witness stated that he believed sir Henry Vane had proposed this resolution to the chairman ; and affirmed positively that he gave reasons in its support. A third proved that sir Henry Vane had been at the head of a company of soldiers in Southwark. *

Such was the substance of the evidence in support of the prosecution. Sir Henry Vane was now called upon for his defence. He argued, first, in point of law, that the word " king," in the statute of treasons, could only be understood to mean a king regnant, one in the actual possession of the crown ; and not a king merely such *de jure*, who is not in possession of the throne : that the parliament was the only power regnant at the time alleged ; consequently, that no treason could be committed against the king. He was proceeding in this argument, when the court observed, that, previous to entering into his defence in matters of law, it would be proper for him to call witnesses, if he had any. Upon this, he said that not having been informed of the nature of the charges, nor of the evidence to be brought against him, he had not been able to provide witnesses, and he therefore desired process of the court to summon witnesses, and a further time to answer the charge ; but the court declared that such a delay could not be allowed. Undaunted, he then, with infinite learning and ability, grappled with all the evidence against him, and justified every particular of his conduct. The learning, the eloquence, the lofty courage with which he did this, will appear in the following masterly passages : —

"The causes that did happen, to move his late majesty to depart from his parliament, and continue for many years, not only at a distance and in a disjunction from them, but at last in a declared posture of enmity and war against them, are so well known and fully stated in

* Phillips's State Trials.

print, *not to say, written in characters of blood*, on both parts, that I shall only mention it, and refer to it.

"This matter was not done in a corner. The appeals were solemn, and the decision, by the sword, was given by that God who, being the judge of the whole world, does right, and cannot do otherwise.

"By occasion of these unhappy differences, thus happening, most great and unusual changes and revolutions, like an irresistible torrent, did break in upon us, not only to the disjoining that parliamentary assembly among themselves (the head from the members, the co-ordinates from each other, and the houses within themselves), but to the creating such formed divisions among the people, and to the producing such a general state of confusion and disorder, that hardly any were able to know their duty, and with certainty to discern who were to command and who to obey. All things seemed to be reduced, and in a manner resolved into their first elements and principles.

"Nevertheless, as dark as such a state may be, the law of England leaves not the subjects thereof, as I humbly conceive, without some glimpses of direction what to do, in the cleaving to, and pursuing of which, I hope I shall not be accounted nor judged an offender; or if I am, I shall have the comfort and peace of my actions to support me in and under my greatest sufferings.

"The king is acknowledged to have two capacities in him: one a natural, as he is descended of the blood royal of the realm; and the body natural he hath in this capacity, is of the creation of almighty God and mortal: the other is a politic capacity, in respect of which he is a body politic or mystical, framed by the policy of man, which is immortal and invisible. To the king, in both these capacities conjoined, allegiance is due; that is to say, to the natural person of the king, accompanied with his politic capacity, or the politic appropriated to the natural.

"The politic capacity of the king hath properly no body nor soul: for it is framed by the policy of man.

“ In all indictments of treason, when any one does intend the death and destruction of the king, it must needs be understood of his natural body, the other being immortal. The indictment therefore concludes *contra legiantie sue debitum*, against the duty of his allegiance, so that allegiance is due to the natural body.

“ Admitting then that thus by law allegiance is due to the king (as before recited), yet it is always to be presumed that it is to the king in conjunction with the parliament, the law, and the kingdom, and not in disjunction from or opposition to them ; and that while a parliament is in being and cannot be dissolved, but by the consent of the three estates.

“ This is therefore that which makes the matter in question a new case, that never before happened in the kingdom, nor was possible to happen, unless there had been a parliament constituted, as this was, unsubjected to adjournment, prorogation or dissolution, by the king's will. Where such a power is granted, and the co-ordinates thereupon disagree and fall out, such effects and consequents as these that have happened will but too probably follow. And, if either the law of nature or England inform not in such case, it will be impossible for the subjects to know their duty, when that power and command which ought to flow from three in conjunction comes to be exercised by all or either of them, singly and apart, or by two of them against one.

“ When new and never-heard-of changes do fall out in the kingdom, it is not like that the known and written laws of the land should be the exact rule, *but the grounds and rules of justice, contained and declared in the law of nature*, are and ought to be a sanctuary in such cases, even by the very common law of England : for, thence originally spring the unerring rules, that are set by the divine and eternal law for rule and subjection in all states and kingdoms.”

In a subsequent passage of this immortal defence he illustrated the emphatic differences which separated his case from that of almost every other, though he avowed

the same devotion to the good cause common to all who had suffered for it, and proudly appealed to his virtuous and unstained conduct in his days of power.

“ The resolutions and votes for changing the government into a commonwealth or free state were passed some weeks before my return to parliament. Yet afterwards, so far as I judged the same consonant to the principles and grounds, declared in the laws of England, for upholding that political power which hath given the rise and introduction in this nation to monarchy itself, by the account of ancient writers, I conceived it my duty, as the state of things did then appear to me, notwithstanding the said alteration made, to keep my station in parliament, and to perform my allegiance therein, to king and kingdom, under the powers then regnant, upon my principles before declared, yielding obedience to their authority and commands. And having received trust, in reference to the safety and preservation of the kingdom, in those times of imminent danger, both within and without, I did conscientiously hold myself obliged to be true and faithful therein. This I did upon a public account, not daring to quit my station in parliament, by virtue of my first writ. Nor was it for any private or gainful ends, to profit myself or enrich my relations. This may appear as well by the great debt I have contracted, as by the destitute condition my many children are in, as to any provision made for them. And I do publicly challenge all persons whatsoever, that can give information of any bribes or covert ways, used by me, during the whole time of my public acting. Therefore I hope it will be evident to the consciences of the jury that what I have done hath been upon principles of integrity, honour, justice, reason, and conscience, and not as is suggested in the indictment, by instigation of the devil, or want of the fear of God.

“ A second great change that happened upon the constitution of the parliament, and in them, of the very kingdom itself and the laws thereof, — to the plucking up

the liberties of it by the very roots, and the introducing of an arbitrary regal power, under the name of Protector, by force and the law of the sword,—was the usurpation of Cromwell, which I opposed from the beginning to the end, to that degree of suffering, and with that constancy, that well near had cost me not only the loss of my estate, but of my very life, if he might have had his will, which a higher than he hindered. Yet I did remain a prisoner, under great hardship, four months, in an island, by his orders.

“ Hereby that which I have asserted is most undeniably evident, as to the true grounds and ends of my actions all along, that were against usurpation on the one hand, or such extraordinary actings on the other as I doubted the laws might not warrant or indemnify, unless I were enforced thereunto by an over-ruling and inevitable necessity.”

In conclusion, he put in these questions to the court :—

“ 1. Whether the collective body of the parliament can be impeached of high treason.

“ 2. Whether any person acting by authority of parliament, can, so long as he acteth by that authority, commit treason ?

“ 3. Whether matters acted by that authority can be called in question in an inferior court ?

“ 4. Whether a king *de jure*, and out of possession, can have treason committed against him, he not being king *de facto*, and in actual possession ? And prayed it might be argued by counsel.

“ 5. Whether matters done in Southwark, in another county, may be given in evidence to a Middlesex jury ?”

All these masterly arguments to law, and appeals to simplest reason, were of course unavailing. The court held, that the parliament was determined and dissolved by the death of Charles I. ; that the proceedings subsequent to that event, though conducted in the name of parliament, were without any legal authority, and absolutely void ; that Charles II. became king *de facto* as well as *de jure*, from the moment of his father's death ;

and that all acts, done with intent to exclude him from the exercise of his kingly office, were overt acts of high treason. As to the objection respecting the counties, the court held that any overt act, tending to prove the compassing of the death of the king, might be given in evidence, in whatever county that overt act had been committed.

Vane, resolute and undaunted, still prayed the benefit of a bill of exceptions upon these points ; but this the court refused, being of opinion that the statute of Westminster 2. chap. 31., which allows of bills of exceptions, does not apply to a criminal case, but only to actions between party and party. He then proved, by a few witnesses, the utter falsehood of much of the crown evidence, and so closed his defence.

The solicitor-general now rose, and made a most brutal speech. He openly declared "that the prisoner *must* be made a public sacrifice ;" and, in allusion to his urgent demands for the benefit of counsel, held this indecent language — "What counsel, does he think, would dare to speak for him in such a manifest case of treason, unless he could call down the heads of his fellow traitors, Bradshaw or Cook, from the top of Westminster Hall?" When the solicitor had ended, the court sent out the jury without saying a word on the merits of the case, in order that the effect of his harangue might not be impaired, and *he was even permitted to hold a secret consultation with the foreman as they were leaving the box.* After an absence of half an hour, the jury returned into court with a verdict of *guilty*, and Vane was carried back to the Tower.

Some friends visited him in his cell immediately after his return to it, and they were surprised to find him in cheerful spirits. Although he had been in court for more than ten hours, without any refreshment, and engaged for a large part of the time in the most earnest and energetic efforts of argument and oratory, he seemed, at the conclusion, to be clothed with new strength and animation of soul. They questioned him,

and he explained the feeling thus : — “ He had all along,” he said, “ foreseen the prosecution, which had then been consummated. He knew that the offences to be charged upon him would be such as would equally involve the whole nation ; and that in defending himself he might, therefore, be considered as defending the liberty and life of every Englishman, who had acted in the cause of the commonwealth. He had been deeply impressed with a sense of the obligation that rested upon him to make a defence worthy of the importance and magnitude of the occasion ; and he had formed the resolution to avail himself of every security which the constitution and laws of the country had provided to protect the subject against injustice and oppression. Actuated by these views, he had refused to plead to the indictment until he was assured he should have the benefit of counsel. When, on the morning of that day, he found that he had been deceived and betrayed, and was without counsel to advise with him, aid him, and speak for him, and that the great cause of liberty and right was left for him alone to vindicate, he was oppressed with a sense of his incompetency to do it justice. But in looking back, at the close of the day, upon the defence he had been enabled to make, his heart overflowed with devout gratitude and joy. He blessed the Lord that he had been strengthened to maintain himself at the post which providence had assigned him ; that arguments had been suggested to his mind ; that he had not been left to overlook any means of defence ; that his lips had been clothed with more than their usual eloquence, and that, by his gracious help, he had been enabled to discharge, to his own entire satisfaction, the duty he owed to his country, and to the liberty of his countrymen. He had spoken that day, as he told the judges, ‘ not for his own sake only, but for theirs, and for posterity.’ He had done his best and his utmost for himself and for his fellow men, his conscience was discharged, his obligations to society were fulfilled, and his mind was, therefore, at peace

with itself, at peace with the world, and full of satisfaction, comfort, and joy."*

The real murderers now appear upon the scene. We are able to uplift the curtain which has concealed them hitherto, and show them to the execration of posterity.

The time had come for the redemption of the king's solemn promise that he would remit Vane's sentence should he be proved guilty. Instead of interfering to redeem, he interfered to whet the zeal of Clarendon. He thus wrote, the day after the trial, to his pious chancellor: —

" Hampton Court, Saturday,
Two in the afternoon.

" The relation, that has been made to me of sir Henry Vane's carriage yesterday in the hall, is the occasion of this letter, which, if I am rightly informed, was so insolent as to justify all he had done, acknowledging no supreme power in England but a parliament, and many things to that purpose. You have had a true account of all; and if he has given new occasion to be hanged, certainly *he is too dangerous a man to let live, if we can honestly put him out of the way.* Think of this, and give me some account of it to-morrow, till when I have no more to say to you. C. R."

On Wednesday, the 11th of June, Vane was brought up to receive his sentence. After the usual formalities,

* I will subjoin a few details from Sikes: — "On this day, liberty being given to friends to visit him in the Tower, he received them with very great cheerfulness and with a composed frame of spirit, having wholly given up himself to the will of God. It being told him by a friend, that his death would be a loss to the people of God, he answered, that God would raise up other instruments to serve him and his people." And as to the king's promise. "Upon friends persuading him to make some submission to the king, and to endeavour the obtaining of his life, he said, if the king did not think himself more concerned for his honour and word, than he did for his life, he was very willing they should take it. 'Nay, I declare,' said he, 'that I value my life less in a good cause, than the king can do his promise. I think the king himself is so sufficiently obliged to spare my life, that it is fitter for him to do it, than myself to seek it.'" The following is extremely touching. "Mention being made to him of the cruel proceedings against him; Alas said he, what ado they keep to make a poor creature like his Saviour! In discourse he said, If the shedding of my blood may prove an occasion of gathering together in one the dispersed interests and remnant of the adherers to this cause, of whatever differing persuasions, I should think ten thousand lives, if I had them, well spent in such a service."

he was called upon to answer, "whether he had any thing to say, why sentence of death should not be passed upon him." Vane rose upon this, "with an air which sufficiently indicated that he not only had something, but a good deal, to say, why sentence of death should not be passed upon him." He commenced by observing that he had not yet heard the indictment read in Latin, and he claimed it as a right undeniable. This led to a sharp debate between him and the judges and lawyers, in which he finally prevailed. When the indictment had been read in Latin, he next claimed counsel to make exceptions to the indictment, according to law. After much discussion this was over-ruled; but he would not relinquish his claim until the court had distinctly assumed the responsibility of refusing it. The next thing he offered was a bill of exceptions, which, in the want of counsel, he had framed himself. It had been offered on the day of his trial, and the judges had then refused to sign it. He now showed that the statute of Edward had never been repealed, and he adduced passages from sir Edward Coke, to prove, that, if the justices should refuse to sign a bill of exceptions, they might be compelled by a writ to sign it, and otherwise proceeded against. This bold measure on the part of the prisoner confounded and staggered the court. "The statute was explicit, the law clear, the right certain." But after much evasion and disputation, the court refused to sign or receive it; and on this point also Vane would not relinquish his claim, until the judges had, one by one, assumed the responsibility of the refusal.

The bill of exceptions, prepared by Vane, has been preserved. It is a paper of great ability, learning, and interest, setting forth all the particulars, in which he had been unjustly used, and the law violated in his person. In the course of it, he mentions several interesting circumstances, implying the baseness of Monk, and other matters.*

* "On the day of my arraignment, an eminent person was heard to say I had forfeited my head, by what I said that day, before ever I came to

Vane's next step was to request the reading of the petition of the parliament in favour of his life, and the

my defence. What that should be, I know not, except my saying in open court, 'sovereign power of parliament,' which the attorney-general wrote down, after he had promised at my request, no exception should be taken at words; and whole volumes of lawyers' books pass up and down the nation with that title, 'sovereign power of parliament.' Six moderate men, that were like to consider what they did, before they would throw away my life, were summoned to be of my petty jury, which the king's counsel hearing, wrote a letter to one of the sheriffs, to unsummon them; and a new list was made, the night immediately before the day of verdict, on purpose that the prisoner might not have any knowledge of them, till presented to his view and choice in Westminster Hall. Yet one of the forty-eight of this list (who said he would have starved himself before he would have found sir Henry Vane guilty of treason) was never called, though he walked in the hall all the while. And in that hurry of those that compassed about, I being alone, stripped of all assistance, sir William Roberts foreman, and sir Christopher Abdy, were sworn by the court, before I was aware; so my challenging them might seem a personal disobliging and exasperation of them against me, after they were sworn and fixed. The solicitor also had a long whisper with the foreman of the jury, in the court, before they went to verdict, telling him the prisoner must be a sacrifice for the nation, &c. Suddenly after which I am here called to receive my sentence. After the day of my trial, the judges went to Hampton Court."

The foregoing is from a paper he had prepared in arrest of judgment. This also is an extract, from his most able and convincing argument on the law of treason:—

"The law is made for the benefit and security of the subject, whom the law requires not to examine the right of sovereignty. Nor is the danger less under one government than another. The statute is, for securing the subjects from all dormant titles, that they may safely pay their allegiance when they receive protection, and that they may not be in danger of being destroyed by two powers at the same time. For that power which is supreme, and *de facto*, will be obeyed, and make it treason to do otherwise, be it right or wrong. And if the subject be at the same time in danger of committing treason against the power *de jure*, then is he in a miserable condition and state of unavoidable necessity, which is provided against by the laws of the land. Otherwise, if he be loyal to the king *de jure*, he shall be hanged by the king *de facto*; and if he be faithful to the king *de facto*, he shall die by the king *de jure*, when he recovers possession. Against this it was, that the statute of 11 Henry VII. was provided, in the difference betwixt the two houses of York and Lancaster. My case is either the same with that, and then I desire the benefit of that statute; or else it is new, and then I desire, as is provided, 25 Edward III., that it be referred to the parliament."

And lastly (one of these points respecting the indictment he subsequently, as I have said, achieved):—

"I have not been permitted to have a copy or sight of the indictment, nor so much as to hear it read in Latin, which is the original record of the court, and ought to be the foundation of their whole proceeding with me. I often desired these things of the court. I was put (after two years' close imprisonment), to answer for my life, to a long indictment, read in English, which whether it were rightly translated how should I know, that might not hear the original record in Latin? Counsel also, learned in the law, were denied me, though pressed for by me, again and again, before I pleaded. And had they been granted, what could they have said as to defects of law in the indictment, unless they might have had a copy of it beforehand? My trial for life was huddled up. The jury, as was told me, must not eat or drink, till they had done their work: but why such haste and precipitancy for a man's life, that is more than meat or

king's promise, in reply, not to take it away. After much dispute he prevailed on this point, and the proceedings in reference to that petition were read in open court. He then reminded the court, who had begun to show signs of impatience under his searching and effectual management of his cause, that there were certain questions of law which must be settled before sentence could be passed upon him. He wished to argue them, by counsel if permitted, if not in person, before their lordships. He proceeded to instance them. 1. Whether a parliament were accountable to any inferior court. 2. Whether the king, being out of possession——”

The court here suddenly broke in upon him at this point, and, with considerable vehemence, declared that “the king was never out of possession.” Sir Henry instantly replied, with great coolness, that if *the king was never out of possession, the indictment against him must inevitably fall to the ground; for the charge it alleged was, that he endeavoured to keep out his majesty.*”

The judges now showed themselves highly excited; and Vane, after again demanding to be heard, in assigning his reasons for an arrest of judgment, and after having exhausted the various provisions of the English law in favour of the security of the subject, desisted from all further attempts. As he folded up his papers, he appealed, from that tribunal, to the righteous judgment of God, who, he reminded his judges, would judge them as well as him; and he concluded by expressing his willingness to die upon the testimony he had borne.*

As he uttered these last words, serjeant Keeling, who had manifested great passion during the trial, exclaimed, “So you may, sir, in good time, by the grace of God.” This gentleman had been very abusive on several occasions, and Vane had rebuked his rudeness. Once, for

estate, when you can let civil causes about men's estates depend many years? If an erroneous judgment be passed in such matters, it is reversible; but if innocent blood be spilt, it cannot be gathered up again.”

* Upham's Life.

instance, while the latter was reading a passage from a volume of the Statutes, Keeling, wishing to look at the book, attempted rather rudely to snatch it from his hands. Vane withheld the volume, remarking, "When I employ you as my counsel, sir, I will find you books."

I close the account of this most memorable trial with one portion of the grand appeal which Vane had taken occasion to make on this last day, not to his judges, but to posterity. The first has reference to the old charge of having violated the covenant.

"And in the asserting and adhering unto the right of this highest sovereign, as stated in the covenant before mentioned, the lords and commons jointly before the year 1648, and the commons alone afterwards, to the very times charged in the indictment, did manage the war and late differences within these kingdoms. *And whatever defections did happen by apostates, hypocrites, and time-serving worldlings, there was a party amongst them that continued firm, sincere, and chaste unto that cause to the last, and loved it better than their very lives; of which number I am not ashamed to profess myself to be; not so much admiring the form and words of the covenant, as the righteous and holy ends therein expressed, and the true sense and meaning thereof, which I have reason to know.*

"This general and public case of the kingdom is so well known by the declarations and actions that have passed on both sides, that I need but name it, since this matter was not done in a corner, but frequently contended for in the high places of the field, and written even with characters of blood. And out of the bowels of these public differences and disputes doth my particular case arise, for which I am called into question. But admitting it come to my lot to stand single in the witness I am to give to this glorious cause, and to be left alone, as in a sort I am, yet being upheld with the authority before asserted, and keeping myself in union and conjunction therewith, I am not afraid to bear my witness to it in this great presence, nor to seal it with my blood,

if called thereunto. And I am so far satisfied in my conscience and understanding, that it neither is nor can be treason, either against the law of nature, or the law of the land, either *malum per se*, or *malum prohibitum*; that, on the contrary, it was the duty I owed to God the universal king, and to his majesty that now is, and to the church and people of God in these nations, and to the innocent blood of all that have been slain in this quarrel. Nothing it seems will now serve, unless by the condemnation passed upon my person, they be rendered to posterity murderers and rebels, and that upon record in a court of justice in Westminster Hall. And this would inevitably have followed, if I had voluntarily given up this cause without asserting their and my innocency, by which I should have pulled that blood upon my own head, which now I am sure must lie at the door of others, and, in particular, of those that knowingly and precipitately shall imbrue their hands in my innocent blood under whatever form or pretext of justice.

“ My lords, if I have been free and plain with you in this matter, I beg your pardon: for it concerns me to be so, and something more than ordinarily urgent, where both my estate and life are in such imminent peril; *nay, more than my life, the concerns of thousands of lives are in it, not only of those that are in their graves already, but of all posterity in time to come.* Had nothing been in it but the care to preserve my own life, I needed not have stayed in England, but might have taken my opportunity to have withdrawn myself into foreign parts, to provide for my own safety. Nor needed I to have been put upon pleading, as now I am, for an arrest of judgment, but might have watched upon advantages that were visible enough to me, in the managing of my trial, if I had consulted only the preservation of my life or estate.

“ No, my lords, I have otherwise learned Christ than to fear them that can but kill the body, and have no more that they can do. I have also taken notice, in the little reading that I have had of history, how glorious the very

heathens have rendered their names to posterity, in the contempt they have showed of death (when the laying down of their life has appeared to be their duty), from the love which they have owed to their country."

The appropriate answer of the judges was "judgment of death." They sentenced him to execution on Tower Hill.*

The space between Wednesday and Saturday was granted to him wherein to prepare for death. He passed it chiefly in exhortations and prayers with his wife and children*, who were allowed to remain with

* It is worth subjoining here the opinions of two of the most eminent of English lawyers on this infamous judgment. "When," says Blackstone, "an usurper is in possession, the subject is excused and justified in obeying and giving him assistance; otherwise, under an usurpation, no man could be safe, if the lawful prince had a right to hang him for obedience to the powers in being, as the usurper would certainly do for disobedience. Nay, farther, as the mass of the people are imperfect judges of title (of which, in all cases, possession is *prima facie* evidence), the law compels no man to yield obedience to that prince, whose right is, by want of possession, rendered uncertain and disputable, till Providence shall think fit to interpose in his favour, and decide the ambiguous claim: and, therefore, till he is entitled to such allegiance by possession, no treason can be committed against him." Mr. Justice Foster takes the same view of the statute, and maintains that when the throne is full, any person out of possession, but claiming title, be his pretensions what they may, is no king within the statute of treason. "I am aware," he adds, "of the judgment of the court of King's Bench in the case of sir Henry Vane: that king Charles II., though kept out of the exercise of the kingly office, yet was still a king, both *de facto* and *de jure*, and that all acts done to the keeping him out were high treason." The case of sir Henry Vane, he then remarks, was a very singular case; and he concludes with these words, which are, in truth, conclusive on the question: "I will, therefore, say nothing on the merits of the question, more than this,—that the rule laid down by the court involved in the guilt of treason every man in the kingdom who had acted in a public situation under a government possessed in fact for twelve years together of sovereign power, but under various forms at different times, as the enthusiasm of the herd, or the ambition of their leaders, dictated." It is an historical fact, that lord chief justice Hale, when of high rank at the bar, took the engagement, "to be true to the commonwealth of England without a king or house of lords." This, as Mr. Justice Foster remarks, was plainly, in the sense of those who imposed it, an engagement for abolishing kingly government, or at least for supporting the abolition of it; and with regard to those who took it, it might, upon the principles of sir Henry Vane's case, have been easily improved into an overt act of treason against king Charles II.

† From his exhortations to his children, I may take the following:—

"Live in the spirit and walk in the faith of our father Abraham. Listen to the experiences of your father, in this dying hour and season of darkness, who can and doth here give a good report of that heavenly and better country he is now going to the more free and full enjoyment of. In the midst of these his dark circumstances, his enjoyments and refreshings from the presence of the Lord do more abound than ever."—"Regard not the reproaches that are fallen on your father. Say or do men what they will, Abraham's faith will find the blessing Abraham found, in whomsoever it is."

him. At the hour of midnight previous to the day of his execution, the sheriff's chaplain came to his cell with the warrant for his execution. He related the circumstance to his friends in the morning, and said, "There was no dismalness at all in it. After the receipt of the message I slept four hours so soundly, that the Lord hath made it sufficient for me ; and now I am going to sleep my last, after which I shall need sleep no more." Early that forenoon his wife, children, and friends were all assembled in the prison. Many and most impressive were his entreaties to them all that they should not mourn for him.

"I know a day of deliverance for Sion will come. Some may think the manner of it may be as before, with confused noise of the warrior, and garments rolled in blood ; but I rather think it will be with burning and fuel of fire. The Lord will send a fire that shall burn in the consciences of his enemies, a worm that shall not die, and a fire that shall not go out. Man they may fight against, but this they cannot fight against. And why," said he, speaking before all the company, "should we be frightened with death? I bless the Lord, I am so far from being affrighted with death, that I find it rather shrink from me than I from it." Then, kissing his children, he said, "The Lord bless you, — he will be a better Father to you ; I must now forget that ever I knew you. I can willingly leave this place and outward enjoyments for those I shall meet with hereafter in a better country. I have made it my business to acquaint myself with the society of heaven. Be not you troubled, for I am going home to my Father."

Subsequently he prayed with them ; and these were passages of his prayer : —

"I die in the certain faith and foresight that this cause shall have its resurrection in my death. My blood will be the seed sown, by which this glorious cause will spring up, which God will speedily raise. Then, laying down this earthly tabernacle is no more but throwing down

the mantle, by which a double portion of the spirit will fall on the rest of God's people. And if by my being offered up, the faith of many be confirmed, and others convinced and brought to the knowledge of the truth, how can I desire greater honour and matter of rejoicing? As for that glorious cause, which God hath owned in these nations and will own, in which so many righteous souls have lost their lives, and so many have been engaged by my countenance and encouragement, shall I now give it up, and so declare them all rebels and murderers? No, I will never do it; that precious blood shall never lie at my door. As a testimony and seal to the justness of that quarrel, I leave now my life upon it, as a legacy to all the honest interest in these three nations. Ten thousand deaths rather than defile my conscience, the chastity and purity of which I value beyond all this world! I would not for ten thousand lives part with this peace and satisfaction I have in my own heart both in holding to the purity of my principles, and to the righteousness of this good cause; and to the assurance I have that God is now fulfilling all these great and precious promises, in order to what he is bringing forth. Although I see it not, yet I die in the faith and assured expectation of it."

Again: —

"Thou hast promised, that thou wilt be a mouth to thy people in the hour of trial; for thou hast required us to forbear the preparatory agitations of our own minds, because it is not we that are to speak, but the spirit of our heavenly Father that speaketh in us, in such seasons. In what seasons more, Lord, than when thou callest for the testimony of thy servants to be writ in characters of blood? Show thyself in a poor weak worm, by enabling him to stand against all the power of thy enemies. *There hath been a battle fought with garments rolled in blood, in which (upon solemn appeals on both sides) thou didst own thy servants, though, through the spirit of hypocrisy and apostacy, that hath sprung up amongst us, these nations have been thought*

unworthy any longer to enjoy the fruits of that deliverance. THOU HAST THEREFORE ANOTHER DAY OF DECISION YET TO COME! Such a battle is to begin, and be carried on by the faith of thy people, yea, is in some sort begun by the faith of thy poor servant, that is now going to seal thy cause with his blood. Oh that this decision of thine may remarkably show itself in thy servant at this time, by his bold testimony while sealing it with his blood! We know not what interruptions may attend thy servant; but, Lord, let thy power carry him in a holy triumph over all difficulties."

He concluded thus:—

"My hour-glass is now turned up, the sand runs out apace, and it is my happiness that death doth not surprise me. It is grace and love thou dost show thy poor servant, that thou hastenest out his time, and lettest him see it runs out with joy and peace. Little do my enemies know (as eager as they are to have me gone) how soon their breaths may be drawn in. *But let thy servant see death shrink under him.* What a glorious sight will this be, in the presence of many witnesses, to have death shrink under him, which he acknowledgeth to be only by the power of the resurrection of Jesus Christ, whom the bands of death could not hold down! Let that spirit enter into us that will set us again upon our feet, and let us be led into that way, that the enemies may not know how to deal with us. *Oh, what abjuring of light, what treachery, what meanness of spirit has appeared in this day!* What is the matter? Oh! death is the matter. Lord, strengthen the faith and heart of thy poor servant, to undergo this day's work with joy and gladness, and bear it on the heart and consciences of his friends that have known and seen him, that they also may say, the Lord is in him of a truth. Oh that thy servant could speak any blessing to these three nations! Let thy remnant be gathered to thee. Prosper and relieve that poor handful that are in prisons and bonds, that they may be raised up and trample death under foot. Let my poor family that is left deso-

late—let my dear wife and children be taken into thy care; be thou a husband, father, and master to them; let the spirit of those that love me be drawn out towards them. Let a blessing be upon these friends that are here at this time; strengthen them: let them find love and grace in thine eyes, and be increased with the increasings of God. Show thyself a loving father to us all, and do for us abundantly above and beyond all that we can ask or think, for Jesus Christ his sake.”

Sikes was present at the last scene of all, and has described the triumphal progress (for such it was) from the Tower to the scaffold.

“Then one of the sheriff’s men came in and told him, there was no sled to come, but he was to walk on foot.”

“Then Mr. Sheriff coming into the room, was friendly saluted by him, and after a little pause communicated a prohibition that he said he had received; which was, that he must not speak any thing against his majesty or the government. His answer to this he himself relates on the scaffold. He further told Mr. Sheriff he was ready; but the sheriff said he was not, nor could be this half hour yet. ‘Then, sir, it rests on you, not on me (said sir Henry), for I have been ready this half hour.’ Then the sheriff, at his request, promised him his servants should attend him on the scaffold and be civilly dealt with, neither of which were performed; for (notwithstanding this promise) they were beaten and kept off the scaffold, till he said, ‘What! have I never a servant here?’

“After this, one of the sheriff’s men came and told him, there must be a sled; to which sir Henry replied, ‘Any way, how they please, for I long to be at home, to be dissolved and to be with Christ, which is best of all.’ He went very cheerfully and readily down the stairs from his chamber, and seated himself on the sled, (friends and servants standing about him); then he was forthwith drawn away towards the scaffold. As he went, some in the Tower (prisoners as well as others) spake to him, praying the Lord to go with him. And after he was out of the Tower, *from the tops of houses*

and out of windows, the people used such means and gestures as might best discover at a distance, their respects and love to him, crying aloud, 'The Lord go with you ; the great God of Heaven and earth appear in you, and for you ;' whereof he took what notice he was capable in those circumstances, in a cheerful manner accepting their respect, putting off his hat and bowing to them. Being asked several times, how he did, by some about him, he answered, 'Never better in all my life.' Another replied, 'How should he do ill that suffers for so glorious a cause?' To which a tall black man said, 'Many suffered for a better cause.' 'And many for a worse' said sir Henry ; wishing 'that when they came to seal their *better cause*,' as he called it, 'with their blood, as he was now going to seal his, they might not find themselves deceived. *And as to this cause,*' said he, '*it hath given life in death to all the owners of it, and sufferers for it.*'

"Being passed within the rails on Tower Hill, there were many loud acclamations of the people crying out, 'The Lord Jesus go with your dear soul,' &c. One told him, that was the most glorious seat he ever sat on ; he answered, 'It is so indeed,' and rejoiced exceedingly.

"Being come to the scaffold, he cheerfully ascends ; and being up, after the crowd on the scaffold was broken in two pieces, to make way for him, he showed himself to the people on the front of the scaffold, with that noble and Christian-like deportment, that he rather seemed a looker-on, than the person concerned in the execution, insomuch that it was difficult to persuade many of the people that he was the prisoner. But when they knew that the gentleman in the black suit and cloak, with a scarlet silk waistcoat (the victorious colour) showing itself at the breast, was the prisoner, they generally admired that noble and great presence he appeared with. 'How cheerful he is !' said some. 'He does not look like a dying man !' said others ; with many like speeches, as astonished with that strange appearance he shined forth in.

"Then, silence being commanded by the sheriff, lifting up his hands and his eyes towards Heaven, and afterwards resting his hand on the rails, and taking a very serious, composed, and majestic view of the great multitude before and around him, he spake."

His address was a vigorous statement of all he had urged on his trial, and all the injustice he had suffered. When he was describing the conduct of the judges, however, in refusing to seal his bill of exceptions, sir John Robinson, lieutenant of the Tower, who attended the execution for no other purpose than to prevent any dangerous impression being made by the prisoner, interrupted him, saying, in a most furious manner, which gave great dissatisfaction even to the loyalists who were present, "Sir, you must not go on thus, you must not rail at the judges; it is a lie, and I am here to testify that it is a lie." Vane replied, "God will judge between you and me in this matter. I speak but matter of fact, and cannot you bear that?" "T is evident, the judges have refused to sign my bill of exceptions." The trumpeters were then ordered to approach nearer to the prisoner and blow in his face, to prevent his being heard; at which sir Henry, lifting up his hand, and then laying it on his breast, said, "What mean you, gentlemen? Is this your usage of me? Did you use all the rest so? I had even done (as to that), could you have been patient; but, seeing you cannot bear it, I shall only say this, that, whereas the judges have refused to seal that with their hands that they have done, I am come to seal that with my blood that I have done."

He then resumed his address to the people, and proceeded to detail some of the circumstances of his life. Sikes's 'report,' with its interruptions, is too striking to be omitted. He was himself present on the scaffold, and held one of the "note-books" referred to:—

"*Gentlemen, fellow Countrymen, and Christians,—*
 'When Mr. Sheriff came to me this morning, and told me he had received a command from the king, that I

should say nothing reflecting upon his majesty or the government, I answered, I should confine and order my speech, as near as I could, so as to be least offensive, saving my faithfulness to the trust reposed in me, which I must ever discharge with a good conscience unto death; *for I ever valued a man according to his faithfulness to the trust reposed in him, even on his majesty's behalf, in the late controversy.* And if you dare trust my discretion, Mr. Sheriff, I shall do nothing but what becomes a good Christian and an Englishman; and so I hope I shall be hereafter civilly dealt with.

“ I stand here this day to resign up my spirit into the hands of that God that gave it me. *Death is but a little word; but 'tis a great work to die.* It is to be but once done; and after this cometh the judgment, even the judgment of the great God, which it concerns us all to prepare for. And by this act I do receive a discharge, once for all, out of prison, even the prison of the mortal body. In all respects wherein I have been concerned and engaged as to the public, my design hath been to accomplish good things for these nations.’ Then, lifting up his eyes and spreading his hands, he said, ‘ I do here appeal to the great God of heaven and all this assembly, or any other persons, to show wherein I have defiled my hands with any man’s blood or estate, or that I have sought myself in any public capacity or place I have been in.’

“ ‘ The Cause was three times stated.

“ ‘ I. In the Remonstrance of the House of Commons.

“ ‘ II. In the Covenant, the Solemn League and Covenant —

“ Upon this the trumpets again sounded, the sheriff caught at the paper in his hand; and sir John Robinson, who at first had acknowledged that he had nothing to do there, wishing the sheriff to see to it, yet found himself something to do now, furiously calling for the writer’s books, and saying, ‘ He treats of rebellion, and you write it.’ Hereupon six note-books were delivered up.

“ The prisoner was very patient and composed under all these injuries and soundings of the trumpets several times in his face, only saying, ‘ ’T was hard he might not be suffered to speak ; but,’ says he, ‘ my usage from man is no harder than was my Lord and Master’s ; and all that will live his life this day must expect hard dealing from the worldly spirit.’ The trumpets sounded again to hinder his being heard. Then again Robinson and two or three others endeavoured to snatch the paper out of sir Henry’s hand, but he kept it for a while, now and then reading part of it ; afterwards, tearing it in pieces, he delivered it to a friend behind him, who was presently forced to deliver it to the sheriff. *Then they put their hands into his pockets for papers*, as was pretended, which bred great confusion and dissatisfaction to the spectators, seeing a prisoner so strangely handled in his dying words. This was exceeding remarkable, — that in the midst of all this disorder, the prisoner himself was observed to be of the most constant composed spirit and countenance, which he throughout so excellently manifested, that a royalist swore ‘ he died like a prince.’ ”

What the feelings of the people may have been at this instant, an eloquent writer has attempted to describe. “ As might have been expected, and as the government had most seriously apprehended, a great impression had by this time been made by the prisoner upon the vast multitude that surrounded him. The people remembered his career of inflexible virtue and patriotism. They had been roused to indignation by the treatment he had received at the hands of Cromwell, and of the restored monarch. His trial had revived the memory of his services and sufferings. The fame of his glorious defence had rung far and wide through the city and nation. The enthusiasm with which he had been welcomed by weeping and admiring thousands as he passed from prison to Tower Hill ; the sight of that noble countenance ; the serene, and calm, and almost divine composure of his deportment ; his visible triumph over

the fear of death and the malice of his enemies,—all these influences, brought at once to bear upon their minds, and concentrated and heightened by the powers of an eloquence that was the wonder of his contemporaries, had produced an effect, which, it was evident, could not, with safety to the government, be permitted to be wrought any higher.”

Vane, meanwhile, had turned aside, and simply observing “It is a bad cause which cannot bear the words of a dying man,” knelt upon the scaffold, and for a few minutes busied himself in prayer. Sikes resumes his description:—“Before the stroke, he spake to this effect: ‘I bless the Lord who hath accounted me worthy to suffer for his name. Blessed be the Lord that I have kept a conscience void of offence to this day. I bless the Lord I have not deserted the righteous cause, for which I suffer.’ But his very last words of all at the block were as follows: ‘Father, glorify thy servant in the sight of men, that he may glorify thee in the discharge of his duty to thee and to his country.’”

In an instant, as Vane stretched out his arms, the executioner, at a single blow, discharged his dreadful office; and one of the greatest and purest of men that ever walked the earth, to adorn and elevate his kind, had left the world which was not worthy of him.

Sikes has a remark on the result of this infamous murder, which is as striking as it is true:—“Cromwell’s victories are swallowed up of death: Vane has swallowed up death itself into victory. He let fall his mantle, left his body behind him, that he had worn nine and forty years, and is gone to keep his everlasting jubilee in God’s rest. It is all day with him now, no night or sorrow more; no prisons or death. He is gone from a place, where so much as the righteousness of man cannot be endured. He is gone to a place where the righteousness of God is the universal garb of all the inhabitants. He is gone to that better city, the New Jerusalem. He had served his generation in his mortal body, done his work, and was glad to fall asleep, and go

look for his reward somewhere else. You see what this ungrateful world has afforded him for all his kindness — reproach, prisons, and death : he had need have other returns somewhere. Great is his reward in heaven.

“ Well ! they have done all they can do to this lover of his country and the laws thereof. But I would willingly have their understandings disabused in one point. Let them not think they have conquered him. They knew him not. He judged his judges at the bar. He triumphed over his executioners on the scaffold, R. and the rest. Such a public execution was more eligible than to have lingered out some small time in a prison, as a condemned person, liable to any arbitrary after-claps, on any future motion or pretence of motion in our troubled sea. He had more ease ; God more glory ; the honest party of the nation and their just cause more advantage ; and, why may I not say, his most intimate friends and dearest relations more comfort ; in this way of his deliverance, once for all ! ”

That “ just cause ” was indeed once more elevated by the death of Vane, and his own sublime hopes abundantly realised. The government of Charles II. scarcely ever recovered the shock his genius and his sufferings had given them. Burnet says, “ that it was generally thought the government had lost more than it gained by his death.” Pepys, a thorough-paced loyalist, witnessed the execution, and says that the people regarded it as a “ miracle,” and that it was a most impressive spectacle. He remarks further, “ that the king lost more by that man’s death than he will get again for a good while ; ” and expresses the opinion, that it had given the bishops a blow from which they would never recover.

Vane’s eldest son, who bore his name, and had been reinstated in his inheritance and honours, was sworn into William’s privy council at that revolution of 1688, which banished for ever from England the detested family of the Stuarts.

HENRY MARTEN.

1602—1680.

HENRY MARTEN, or, as he was more generally called, Harry Marten, was born in Oxford, ("particularly as I conceive," says Anthony a Wood, "in the parish of St. John Baptist, in an house opposite to Merton college church, then lately built by Harry Sherburne, gentleman, and possessed at the time of Harry's birth by sir Henry his father,") in the year 1602. His father, sir Henry Marten, LL.D., was the most eminent civilian of his time. Educated also at Oxford, he had carried off all the honors of the university, and, after leaving it, became successively judge of the admiralty, and twice dean of the arches, received knighthood, and in 1624 the appointment of judge of the prerogative. In the parliament of 1628 he represented the university of Oxford; and in the long parliament sat for the borough of St. Ives, in Huntingdonshire. He acted generally with the liberal party, but his temper was moderate, and he strove to conciliate to the last.

Shortly after the birth of Harry Marten, we find sir Henry in London. "When a lad," said one of the libellers of the famous republican in after years, "you lived in Aldersgate street, under the tuition of the then called 'blue-nosed romanist' your father, who was the best civilian of our horizon, and a 'six-swingler,' as they termed him; he had but 40*l. per annum* of his own." * Whatever his condition was then, it is quite certain that, some short time before his death, which took place in 1641, he had purchased "a fair estate,

* A letter prefixed to a libellous publication (by a reckless and notorious libertine named Gayton) called, "Colonel Harry Marten's Familiar Letters to his Lady of Delight."

mostly lying in Berks," which Anthony a Wood adds, "his ungodly son Harry squandered away."*

Young Harry Marten was sent while yet in his boyhood to a grammar school in Oxford, and afterwards in his fifteenth year, became a gentleman commoner of university college †; "where," says the author of the *Athenæ*, "and in public, giving a manifestation of his pregnant parts," he had the degree of bachelor of arts conferred upon him in the latter end of 1619. He then travelled for some time in France, and at his return was prevailed on by his father to consent to one of those marriages of convenience which carry in their train all kinds of misery and social wrong. "His father found out a rich wife for him," says Aubrey, "whom he married something unwillingly." After the birth of a daughter they rarely met again; but it is a touching circumstance to record, that in the last lonely years of his wretched imprisonment, this wife and daughter were the only persons in the world that seemed to recollect his existence, or that, to his own mind, gave him still some interest in life.

He offered himself for parliament on the great election in April, 1640, to the electors for the county of Berkshire. His name had already become known as that of a man of eloquence and wit, and as the adviser of some of the most eminent public men of the time. He had contracted friendships with Hyde (lord Clarendon), with Nathaniel Fiennes, with Hampden, and with Pym. He had also, in 1639, spiritedly refused to contribute a single sixpence towards the maintenance of a war against his fellow countrymen in Scotland. These were his claims, and an immense majority of the Berkshire electors at once cheerfully acknowledged them.

Marten's life, up to this time, had been one of extreme gaiety. "He was a great lover of pretty girls," says Aubrey, "to whom he was so liberal, that he spent

* *Ath. Ox.* lii. 17.

† He was matriculated, according to the Oxford records, on the 31st of October, 1617. "*Henricus Marten, Oxoniensis militis filius, annos natus 15*"

the greatest part of his estate." Men wondered at first, therefore, in those times of solemnity and precision, when they saw a man so free in living, and so liberal in speech, admitted to the intimacy of the gravest and most religious men of the age. They had yet to learn, what to the penetrating glance of the leaders of this parliament had been already revealed, that under the condemned habits of recklessness and dissipation lurked in this case one of the most active and useful dispositions, one of the most frank, liberal, and benevolent spirits, — in a word, one of the best and most serviceable politicians that the country had produced.

Nor were they long in learning this. Marten at once took an active part in the proceedings of parliament, and every body saw that if he was the wittiest and most pleasant, he was also one of the most ardent and uncompromising of the opponents of Charles. "He was a great and faithful lover of his country," says Aubrey: "his speeches were not long, but wondrous poignant, pertinent, and witty. He was of an incomparable wit for repartees; not at all covetous; humble, not at all arrogant, as most of them were; a great observer of justice, and did always in the house take the part of the oppressed." * The shafts he shot at Charles struck deeper for the very reason that, in other circumstances, might have turned them aside comparatively harmless; and the name of Harry Marten, once a signal for laughter only, became a terror in Whitehall.

In the short interval between the parliaments of April and November, Charles, ever childishly forward in showing his resentments, found an opportunity to insult this new and formidable assailant. Marten happened to be walking in Hyde Park one day as his majesty's carriage passed, when the king himself, speaking very loud, and in the hearing of many people, applied a gross expression to him. "Harry went away patiently," says Aubrey, who relates the anecdote, "*sed manebat alta*

* Letters and Lives, ii. 435—436.

mente repòstum. That sarcasm raised the whole county of Berks against him." In other words, Marten was returned to the house of commons by the electors of that county, on the summoning of the famous parliament of 1640, with greater enthusiasm than before.

The rise of the republican party in the house of commons has been described in the life of Vane, and Marten's statesmanship has received occasional illustration there. It was natural that in entering on a decisive course in the house of commons, he should choose his part with the independents, then laying with so much energy and resolution the secret and solid foundations of their power. He had most need, his enemies said (and his friends need not deny the imputation), of the divine principle of toleration which distinguished that great party. "Henry Marten," says bishop Burnet, "was all his life a most violent enemy to monarchy, but all that he moved for was upon Roman and Greek principles. He never entered into matters of religion." The charge the bishop would imply in this passage is not a serious one. Vane and Cromwell, penetrated with all the fervours of a most earnest religious zeal, could see no purer end of government than the laughing Harry Marten proposed, — that of elevating in the social scale every individual man in England, until the time might come when no Englishman should have a master, and in every corner of the island should be realised that lofty and soaring spirit which made Rome, so long as Rome remained uncorrupted and unpoisoned, a mark for the admiration of all succeeding ages. "Some persons," Hume observes in his character of this parliament of 1640, "partial to the leaders who now defended public liberty, have ventured to put them in the balance with the most illustrious characters of antiquity; and mention the names of Pym, Hampden; Vane, as a just parallel to those of Cato, Brutus, Cassius. Profound capacity, indeed, undaunted courage, extensive enterprise; in these particulars, perhaps, the Roman do not much surpass the English patriots: but what a differ-

ence, when the discourse, conduct, conversation, and private as well as public behaviour of both are inspected ! Compare only one circumstance, and consider its consequences. The leisure of those noble ancients was totally employed in the study of Grecian eloquence and philosophy ; in the cultivation of polite letters and civilised society ; the whole discourse and language of the moderns were polluted with mysterious jargon, and full of the lowest and most vulgar hypocrisy.* The falsehood of the pretence on which this charge was raised in the case of Pym and Vane has been shown in the course of these biographies ; but, as against Marten, no such pretence could even be attempted by his worst opponents. Every one admitted him to be a man of real wit, and of the most mirthful and jovial propensities — “ as far from a puritan (to use Aubrey’s expression), as light from darkness.” Nor was his great learning ever questioned, for, it was a perpetual theme of wonder with people that he had found time for so many and such various accomplishments, living the life he had led.

Holding republican opinions, it is the distinction of Harry Marten to have been the first who is reported to have avowed them. This is not said in praise of his wisdom, which on that point was perhaps questionable, but merely as a statement of a fact. The anecdote is told in a very interesting way in a passage of Clarendon’s own life.

Hyde, Pym, Hampden, Marten, and Nathaniel Fiennes had been dining together one day, during the progress of the episcopacy bill, at Pym’s lodgings in Westminster, when, after dinner, “ Nathaniel Fiennes asked Mr. Hyde whether he would ride into the fields and take a little air, it being a fine evening ; which the other consenting to, they sent for their horses, and riding together in the fields between Westminster and Chelsea, Mr. Fiennes asked him, ‘ what it was that inclined him to adhere so passionately to the church, which

* Hume’s History, v. 260. 4to.

could not possibly be supported? He answered, that 'He could have no other obligation than that of his own conscience and his reason, that could move with him; for he had no relation, or dependence upon any churchman that could dispose him to it; that he could not conceive how religion could be preserved without bishops, nor how the government of the state could well subsist, if the government of the church were altered:' and asked him, what government they meant to introduce in its place? To which he (Fiennes) answered that 'there would be time enough to think of that; but assured him, and wished him to remember what he said, that if the king resolved to defend the bishops, it would cost the kingdom much blood, and would be the occasion of as sharp a war as had ever been in England; for that there was a great number of good men, who resolved to lose their lives before they would ever submit to that government,' which," continues Hyde, "was the first positive declaration he had ever heard from any particular man of that party." This is a good introduction to the anecdote of Marten which follows immediately after.

"Within two days after this discourse from Mr. Fiennes," pursues Clarendon, "Mr. Hyde, walking between the parliament house and Westminster, in the church-yard met with Harry Marten, *with whom he lived very familiarly*, and speaking together about the proceedings of the houses, Marten told him that he (Hyde) would undo himself by his adhering to the court; to which, he (Hyde) replied, that 'he had no relation to the court, and was only concerned to maintain the government and preserve the law;' and then told him 'he could not conceive what he (Marten) proposed to himself, for he did not think him to be of the opinion, or nature with those men who governed the house;' and asked him 'what he thought of such and such men:' and he (Marten) very frankly answered, that 'he thought them knaves; and that when they had done as much as they intended to do, they should be used as they had used others.' The

other pressed him then to say what he desired, to which after a little pause he (Marten) very roundly answered, 'I DO NOT THINK ONE MAN WISE ENOUGH TO GOVERN US ALL.' Which was the first word he (Hyde) had ever heard any man speak to that purpose; and would, without doubt, if it had been then communicated, or attempted, been the most abhorred by the whole nation, of any design that could be mentioned; and yet it appears it had even so early entered into the hearts of some desperate persons; *that gentleman being at that time possessed of a very great fortune, and having great credit in his country.*" *

Taking all this with the proper allowances, it would seem perfectly clear that Marten was now and then too free of speech, nor sufficiently accommodated his opinions to times and places. Whatever the secret conclusions might be to which Vane, and Ludlow, and Cromwell had already in their own minds arrived, it was surely most unwise to hazard any public disclosure of them before the general intellect and moral feeling had become sufficiently ripe for the attempt, or before the perfidy and bad faith of Charles had received its utmost extent of illustration among the great body of the people.

Clarendon's imputations on Marten's good faith respecting his great political associates have no warrant or authority. He was in all things sincere—to a fault, might be added, were it right to associate such a reproach with any order of sincerity. In all the consultations of the liberal leaders, and in all their most memorable actions (during 1640 and 1641, he took a most prominent part; and, though the prudence of his conduct and counsel was sometimes brought in question, he never lost his influence with the house or the warmest friendship of its leaders; nor, it may be added, rarely failed to be justified by the event, in what seemed to more careful and cautious men the very height even

* Clarendon's Life, 41, 42. folio ed. 1759.

of his imprudence. In a curious pamphlet by Dudley, third lord North, then a member of the house of commons, this receives incidental illustration in a passage which, though not correct as a statement of facts, serves to show the feeling of the house. "Businesses," the writer observes, "were not always carried on in the house according to the mind and intended order of the leading persons; for the business of that protestation made in the year 1641, had been taken into consideration at a private meeting of the grandees, and was then concluded to be unseasonable. Yet Henry Marten, being unsatisfied with their determination, moved it the next day in parliament, and found the house so disposed as a vote was presently passed for a protestation, which was afterwards worded by a select committee, and approved of in both houses: and to this the leaders would not oppose themselves, though they considered it improper at that time."

On the fourth of July, 1642, when Charles had retired from London, and was on the eve of setting up his standard at Nottingham, Marten was appointed one of those fifteen eminent and trusted persons, lords and commoners, to whom parliament deputed the powers of a "committee of safety"—"to take into consideration whatever might concern the safety of the kingdom, the defence of the parliament, the preservation of the peace of the kingdom, and the opposing any force which might be raised against the parliament: this committee to meet when and where they pleased." Such was the simple frame of the first executive government of the parliament: the members receiving no inauguration; no attendance given to them; not even a stated place of meeting assigned. It is a circumstance worthy of remark that, in all the proceedings taken by the house of commons while the question of the king's supremacy may be said to have been yet undecided, nothing was

* From a curious and interesting pamphlet, called "A Narrative of some Passages in or relating to the Long Parliament, by a Person of Honour." Horace Walpole states the author to have been Dudley, the fourth lord North.

done that was not wholly indispensable; while, in the creation of any new powers or agencies of government, which the vicissitudes of public affairs might render fugitive and ephemeral, we never fail to see that their creators were most careful to give them no incidents or inducements that might unnecessarily afford the members in whom they were vested a temptation to protract their existence.

When the civil war began, and Charles issued his proclamation against the members of both houses, Marten's name received the honour of a special exception, in common with those of Hampden and Pym, from the offer of kingly pardon. This only redoubled his exertions in the "committee of safety," and his zeal in discharging its duties involved him in many personal contentions of great warmth and passion.*

Among the earliest commissions of colonels of horse, granted by order of the parliament, we find the name of Harry Marten. His active, light-hearted, and mercurial spirit, not content with all the labours and duties imposed on him in London, sought employment also at the scene of war. The house of commons, as an additional proof of their confidence, bestowed upon him the military governorship of Reading. He was subsequently obliged to abandon this city at the king's approach †; but under circumstances which left no imputation on his courage. No imputations, such as too deservedly fell on the virtuous and highly gifted but timid Nathaniel Fiennes for his unfortunate abandonment of Bristol, sullied the name of Marten.

Elated by his temporary successes Charles again addressed his misguided commons, telling them that "his quarrel was not against the parliament, but against particular men, who first made the wounds, and would not now suffer them to be healed, but made them deeper and wider, by continuing, fostering, and fomenting, mis-

* See the case of the earl of Northumberland, which led to abortive proceedings between the two houses. *Parl. Hist.* xii. 238—240.; and *Clarendon's History*, iv. 17—51.

† *Clarendon*, iii. 318.

takes and jealousies betwixt body and head, his majesty and his two houses of parliament; which persons he would name, and was ready to prove them guilty of high treason." He then proceeded to name Pym, Hampden, Marten, and Hollis, as the chief traitors, and desired that "they might be delivered into the hands of justice, to be tried by their peers, according to the known laws of the land." *

These gallant "traitors," were not relaxing any of their exertions meanwhile, and Marten, more successful as a civilian than a soldier, was once more at Westminster engaged in fierce contests and disputes with the house of lords. To that house he never at any time affected any attachment; and, whenever it threatened the slightest interruption to the proceedings of the commons, he prepared himself with somewhat ostentatious glee for an encounter with their lordships. I find upon the journals of this period a very grave complaint from the upper to the lower house, respecting some certain expressions used against the lords in a conference by Marten, "because they were not so forward in passing ordinances for seizing the estates of delinquents," as the commons desired them to be. The expressions were these: "I have something to deliver to your lordships in the behalf of the house of commons. It is true, my lords, there are some privileges belonging to the house of peers, and others to the house of commons; and this of raising monies you have ever solely attributed to them, since your lordships have never refused to join with them when they have brought up any thing that concerns the raising of money; and, therefore, they expect you would not now refuse to pass this ordinance, without giving them some very good reasons for it." On turning to the parliamentary history, we see that "the lords debated this matter for some time, and afterwards appointed a committee of ten lords, to consider of a fit way how to vindicate the privilege of

* Clarendon's Hist. Reb. iii. 618. restored text; Appendix E.

their house in this particular; but it is probable this matter was dropped, as the former [a previous contest with Marten of the same description], for we find nothing more of it in the journals."

Some few days after, however, the journals present another dispute between the same parties, respecting "two young horses," which had been taken out of the king's stables by a person of the name of De Luke. "The lords ordered the horses to be restored, and De Luke to attend them to answer it. This man produced his warrant to the messenger from Mr. Marten, and Mr. Marten himself refused to return the horses, saying, 'We have taken the king's ships and forts, and may as well take his horses, lest they might be employed against us; but, however,' he added, 'he would acquaint the house of commons therewith the next morning, who would satisfy the lords at a conference.' This the lords took very ill, and, at the conference, they told the commons that they had resolved to write to the lord general to recall Mr. Marten's commission; but, for himself, they had done nothing, in regard he was a member of their house, adding, that they did apply themselves unto the commons in all respect and civility, and did look for reparation in this business. Instead of which the commons, on their return to the house, voted that Mr. Marten did well in not delivering the two horses till he had made them acquainted with it; that these two horses should be kept by Mr. Marten till this house gives further order; and that the lord general should be desired not to do any thing in the business concerning Mr. Marten, till he heard further from that house."† The dispute in this case is far from assuming a dignified shape on either side, but its result surely exhibits the great folly, considering the incapacity, of their lordships. "To so low an ebb," is the pathetic remark of the compilers of the parliamentary history, "was the authority of the

* *Parl. Hist.* xii. 240.

† *Ibid.* xii. 251.

house of peers already reduced !” They had themselves to thank for it.

An anecdote of Marten, said to belong to this period, has been told by doctor Peter Heylin.* I present it with more than a doubt of its authenticity, since no concurrent testimonies bear it out, and it is in its character very improbable. The commons, according to Heylin’s account, were always glad to avail themselves of Harry Marten’s great fertility of resource in devising means of raising supplies during the difficulties that beset the opening of the war, and gave him almost unlimited power to this end. Secretly indulging on one occasion a particular malicious humour of his own, it occurred to him that there would be no further use for the regalia, and that they might as well be sold for what they would bring : “ whereupon,” continues Heylin, “ Marten, then member for Berks, having commanded the sub-dean of Westminster to bring him to the place where the regalia were kept, made himself master of the spoil ; and having forced open a great iron chest, took out the crown, the robes, the sword, the sceptre, belonging anciently to king Edward the Confessor, and used by all our kings at their inaugurations ; then, with a scorn greater than his lusts and the rest of his vices, he openly declares that there would be no further use of these toys and trifles, and in the folly of that humour invests George Withers (an old puritan satirist†) in the royal habiliments, who, being thus crowned and royally arrayed (as right well became him), first marched about the room with a stately garb, and afterwards, with a thousand apish and ridiculous actions, exposed these sacred ornaments to contempt and laughter.” In declining to admit the truth of this story, it would be unjust to withhold from its learned and very reverend author, the praise of a skilful invention, and a quick perception of the ludicrous.

Marten’s indulgence of his wit and humour on all

* In his *History of the Presbyterians*, 452. ed. 1672.

† And a very fine old poet.

possible occasions, and his well known careless avowals of his preference for republican government, gave currency and plausibility to such anecdotes. The latter characteristic, indulged freely almost everywhere, at last heedlessly escaped him from his place in the house of commons. Such avowals must always wait for their proper place and season, and in this instance both were forgotten.

The incident occurred on the 16th of August, 1643. The pages which related it are torn from the journals of the house, but Whitelocke has supplied the omission in his Memorials.* It occurred in the course of a debate on what were thought the scandalous expressions of a work published by one Saltmarsh, a puritan minister, in which he urged, among other things, that "all means should be used to keep the king and his people from a sudden union; that the war ought to be cherished under the notion of popery, as the surest means to engage the people; and that if the king would not grant their demands, then to root him out and the royal line, and to collate the crown upon somebody else." Several members having strongly condemned such advice, Marten suddenly rose, and said, that "he saw no reason to condemn Mr. Saltmarsh so strongly, and that it *were* better one family should be destroyed than many." This called up sir Nevil Poole, who moved that "Mr. Marten should explain what one family he meant." Marten interrupted him with the remark that such a motion was needless, and boldly and bluntly answered, "the king and his children!" Upon this, there was a storm in the house, and many of the members urged loudly "against the lewdness of Mr. Marten's life and the height and danger of these words, and spoke sharply against him." Pym, then within a few short months of his death, interfered on behalf of his friend, but at the same time on public grounds condemned his expressions. Marten was in the end expelled the house, and committed to the Tower.† A fortnight

* Page 68. ed. 1682.

† The same occurrence is told with a difference in lord North's Pamphlet,

afterwards he was "ordered to be forthwith discharged, without paying any fees for his imprisonment," but he did not, till after the lapse of a year and a half, resume his seat in the house.

Nevertheless he continued unremittingly to labour in the cause. His father had died two years before, and left him in possession of property to the amount of 3000*l.* a year. From the moment of his accession to it, he appears to have indulged to excess his liberal tastes and "elegant desires;" the whole county of Berkshire rang with the festivities of the vale of the White Horse*; and his personal courtesies to all classes of men gave him unprecedented popularity there. After his expulsion from the house of commons he continued to hold his colonel's commission, and was present in several skirmishes and engagements. He also contributed, I find, out of his own resources, upwards of 3000*l.* to the parliamentary commissioners for the maintenance of the

"Henry Marten," says his lordship, "exalted in mind by various successes ventured to cast himself upon a rock, and thus it was:—When it had been some ways expressed in the house that the good and happiness of this nation depended upon his majesty's safety, and the continuance of the royal line, Henry Marten stood up and affirmed it to be a mistake; for (as he conceived) this nation might be very happy though the royal line were extinct. Upon those words he was presently questioned, and after some debate, voted out of the house." I may add a characteristic anecdote of Pym from the same authority. It shows that on an occasion somewhat similar to the present, his address and skill were exerted with greater success on the behalf of an injudicious friend. "The house had newly received a message from his majesty, which was so far from being satisfactory as many persons spoke against it with much vehemence, and among the rest sir Henry Ludlow (father of the great republican), who very resolutely used these terms:—'He who sent this message is not worthy to be king of England.' Upon saying this, he was immediately interrupted, and the words that were spoke agreed upon preparatory to a charge; but before his withdrawing, in order to a censure, Mr. Pym arose, and said:—'That those words contained nothing of dishonour to the king,' which being found very strange, he thus cleared his meaning:—'If these words be such as a fair conclusion is naturally deducible from them, then they cannot be evil in themselves. Now that a fair conclusion naturally ariseth from them, may be proved by syllogism. He who sent this message is not worthy to be king of England—but king Charles is worthy to be king of England, therefore king Charles sent not this message. Now, (saith Mr. Pym) I leave it to judgment, whether or no this syllogism comprise anything in it worthy of censure.' This argument was so ingenious, as sir Henry Ludlow (with his ill-meaning) came freely off without punishment."

* Where his principal mansion was situate. "Becket," says Aubrey, "in the parish of Shrineham, was his chief seate—in the vale of the White Horse, now major Wildman's—where he was very hospitable and exceeding popular."

war.* During its progress, it may be added, he lost estates to much larger amounts, and at its close found himself in fortune a ruined man. That ruin was ascribed (by slanderers who could never forgive him the cheerful accomplishments with which he graced a great and serious cause), to other and less worthy reasons, which these pages shall not be polluted by any further reference to. A memoir of his life, composed as this has been with a scrupulous attention to the truth, will be in itself the best and most particular answer that can be given to all such statements.

During Marten's absence from the house, the self-denying ordinance was debated and passed. Clarendon can say, nevertheless, that Nathaniel Fiennes and Henry Marten were among those "who spoke more and warmer in favour of the self-denying ordinance than those spoke who opposed it." Marten did not resume his place in the house of commons till nine months after that famous measure was passed†; and Nathaniel Fiennes was still in France during its discussion, whither he had retired in deep mortification at the affair of Bristol. The truth is, that the whole of the debate on this ordinance as reported in Clarendon's History is an absolute and unmitigated forgery, made for his own purposes by Clarendon, and adopted in philosophical indolence by Hume. How much history has been written in this way!

The resolution for Marten's reinstatement in the house was passed on the 6th of January, 1645-6, and, Whitelocke says, "gave occasion to some to believe that the house began to be more averse from the king." It was certainly a proof, among others, of the growing strength of the quiet and wise party of the independents, and it is most gratifying to discover that it was proposed by Vane. Dudley lord North, in the curious pamphlet already adverted to, describes it thus:—"It was conceived now that Henry Marten might do good service

* Whitelocke's Memorials, 385., ed. 1682.

† See Whitelocke, 135. and 192. Also Journals of April 3. 1645, and January 6. 1645 (old style).

as a member, and so his restitution was moved for ; but answer was soon made that he was a person dead civilly, and could not be restored to life. Hereupon young sir Harry Vane (one of the oracles of those times) arose, and said, ' That the matter was very easy to be effected, by expunging out of the journal book that order whereby he had been cast out ; and that the house was ever understood to be mistress of her own orders.' This was found so ready a way, as the matter was presently determined ; and Henry Marten, having notice, came into the house again, disposed to do farther mischief." This is simply an exaggerated account of a course adopted to save Marten the necessity of a new election.

It is not difficult to imagine the welcome Harry Marten received, on entering the house once more. His wit had been the ornament and relief of almost every debate ; his graceful manner, and never failing good humour, had been perforce made acceptable to the sourest puritan there ; and, by his gallant and unflinching adherence to republican principles, by the respect his intellect and genius inspired, he had bound himself in the fastest friendship to Cromwell, to St. John, and to Vane. From the instant he resumed his seat, until his old friend's traitorous usurpation on the commonwealth, his name appears most prominently in every transaction of importance * ; and, above all, when mercy is to be shown, or an act of liberal and kind-hearted justice done, the name of Harry Marten, and the record of his best exertions, are sure to be found not wanting.

When John Lilburne's intemperance had delivered him over into the fangs of Prynne, Marten interfered in his behalf. When he afterwards sought redress from the house of commons, it was Marten who moved his committee and sat as its chairman. If it had been possible to have saved a man of such a temper, so grossly

* He was a great favourite with the citizens of London, and spoke in the common hall very often. Some of these speeches, as that concerning sir William Waller, are to be found among the pamphlets of the time, and are good specimens of close reasoning and a most happy style.

fond of quarrel, so self-conceited of his own honesty as to suppose he absorbed all of it himself that had been left in the world, so credulous and so suspicious, Marten would have saved him. And when it was obvious at the last, that he must be left to his own wild and irreclaimable courses, it was Marten's wit which suggested that excuse for him which has passed into a familiar saying. "This very John Lilburne," says Rushworth, "after his trial, persisted in writing many books against those then in power and authority, and some particular members thereof; insomuch as it was said by Henry Marten in favour of him, 'That if there were none living but himself, John would be against Lilburne, and Lilburne against John.'"^{*}

Nor, — as his attachment to Cromwell withheld him not from these kind-hearted efforts in behalf of one who, but for a superabundance of conceit and bile might have been one of the staunchest friends to the great cause, as he had already proved one of its most courageous soldiers, — did his friendship for Vane prevent his protesting on many occasions against the conduct of Vane's father. A good anecdote is told by Aubrey on this point. Having spoken somewhat sharply for some time against old Vane, and seeing some marks of pain and vexation on the countenance of his son, he suddenly interposed, "But for young sir Harry Vane —" Fifty voices interrupted him — "What have you to say to young sir Harry?" Marten quietly sat down. From all parts of the house (the members were in committee) the question again broke out, "What to young sir Harry?" The wit rose with very great gravity, and observed, — "Why, if young sir Harry lives to be old, he will be old sir Harry!" And so, says Aubrey, "sate down, and set the whole house a laughing, as he oftentimes did;" and the invective against old Vane was forgotten for that time, and some mortification saved to young sir Henry.

^{*} Rushworth, ii. 468.

And not alone for men belonging to his own party, and generally acting with it, were these happy resources called in aid by Harry Marten. "He did always," as Aubrey says in his character of him, "take in the house the part of the oppressed," no matter what their politics. The relation I am now about to give, is taken from a curious pamphlet republished in lord Somers's tracts, and called, "A true and just account of what was transacted in the commons' house, when that house voted David Jenkins, esq., a Welsh judge, and sir Francis Butler to be guilty of high treason against themselves; and likewise an account of an excellent speech that the said judge *intended to have spoken* at the place of his execution, taken from the mouth and notes of the said sir Francis Butler."

This judge Jenkins was justly famous in his day as a fervid and intrepid royalist. The offence he was now brought before the commons to answer, among others, was that of having in 1642, in some Welsh counties, condemned to death persons charged with being in arms against the king. On being conducted to the bar with Butler, the latter knelt as he was instructed, but the old judge peremptorily refused to do so. In the reprimand which followed, the Speaker adverted in especial to this mark of contumacy, as the greater fault in him, "seeing he pretended to be knowing in the laws of the land." The relation then proceeds: "Sir Francis said during this speech of Lenthall's, judge Jenkins had prayed him softly not to speak much; so to let all their malice fall on him only, since he was in years, and sir Francis but young in respect to him. And when the Speaker's speech was ended, judge Jenkins asked, whether they would now give him liberty to speak? 'Yes,' answered Lenthall, 'so you be not very long.' 'No,' said the judge, 'I will not trouble either myself or you with many words. In your speech, Mr. Speaker, you said the house was offended at my behaviur, in not making any obeysance to you at my coming here, and this was the more wonder'd at, because I pretended to be knowing in the laws

of the land. In answer to which, Mr. Speaker, I say, that I thank God, I not only pretend to be, but am knowing in the laws of the land, (having made it my study for these five and forty years,) and because I am so, that was the reason of such my behaviour; for as long as you had the king's arms engraven on your mace, and acted under his authority, had I come here I wou'd have bowed my body in obedience to his writ and authority, by which you were first called; but Mr. Speaker, since you and this house have renounc'd all your duty and allegiance to your sovereign and natural liege lord the king, and are become a den of thieves, shou'd I bow myself in this house of Rimmon, the Lord wou'd not pardon me in this thing.'"

The amazement and confusion excited by this courageous burst, broke forth on all sides. "The whole house," says the narration, "fell into such an uproar and confusion, that for half an hour they could not be reduc'd into any order, for sometimes ten, sometimes twenty, wou'd be speaking together; but at length the fury abated, and the house voted, they were both guilty of high treason (without any trial at all), and shou'd suffer as in cases condemn'd for treason. So they call'd for the keeper of Newgate, to know the usual days for execution in such cases. He told them it was usually on Wednesdays or Fridays: and then was debated whether it should be done on next Wednesday or Friday. Then stood up Harry Marten, (the droll of that house,) who had not spoken before. He said he would not go about to meddle in their vote, but *as to the time of execution* he had something to say, especially as to judge Jenkins. 'Mr. Speaker (says he), every one must believe that this old gentleman here is fully possess'd in his head, that he is *pro aris et focis mori*; that he shall die a martyr for this cause; for otherwise he never wou'd have provok'd the house by such biting expressions; whereby it is apparent that *if you execute him, you do what he hopes for, and desires, and whose execution might have a great influence upon the people, since*

not condemn'd by a jury: wherefore my motion is, that that this house wou'd suspend the day of execution, and in the mean time force him to live in spite of his teeth.' Which motion of his put the house into a fit of good humour, and they cry'd, Suspend the day of execution. So they were return'd back to Newgate."

Any thing more exquisite than this, wiser in fact, more benevolent or humane in purpose, more happy in its turn of wit, is not even recorded among the sayings of Harry Marten. The conclusion of the incident is well worth giving, not less for its interest in itself, than as a proof and confirmation of the sound sagacity which guided Marten in his interference on this as on every similar occasion — of the wisdom which was the under-current of his wit.

On their return to prison, sir Francis Butler "asked the judge whether he had not been too hardy in his expressions to the house. Not at all (said he), for things of a rebellious nature have been so successful in this kingdom, and have gotten such a head, that they will almost allure the weak loyal man to comply therewith, if some vigorous and brave resistance is not made against them, and to their very faces; and this was the cause why I said such home things to them yesterday. And although I have opposed rebels and traitors all my life hitherto, yet I persuade myself, that at the time of my execution, on the day of my death, I shall be like to Sampson, and destroy more Philistines than I ever did in all my life, that is, confound their rebellious assertions. And in this thought of mine I am so wrapp'd up, that I hope they won't totally suspend my execution."

His companion's wonder may be conceived by this time to have reached an intense pitch. The brave old judge soon satisfied it: "I will now (said the judge) tell you all that I intend to do and say at that time: first, I will eat much liquorish and gingerbread, thereby to strengthen my lungs, that I may extend my voice far and near; for no doubt there will be great multitudes at the place; and then *I will come with Bracton's book*

hung upon my left shoulder, with the statutes at large hung upon my right shoulder, and the Bible with a ribbon put round my neck, and hanging on my breast. Then I will tell the people that I was brought there to die for being a traitor; and in the words of a dying man, I will tell them that I wish that all the traitors in the kingdom would come to my fate. But the house of commons, I will then tell them, never thought me a traitor, else they would have tried me for such, in a legal manner by a jury, according to the custom of this kingdom for a thousand years. They have indeed debarred me from my birthright, a trial by my peers, that is, a jury; but they knew, and that is it, that I am not guilty according to law. But since they will have me a traitor, right or wrong, *I thought it was just to bring my counsellors with me, for they ought to be hanged as well as I,* for they all along advised me in what I have done. Then shall I open Bracton to show them that the supreme power is in the king*, the statute book to read the oath of allegiance, and the Bible to show them their duties. *All these were my evil counsellors, and they must be hanged with me!* So when they shall see me die," concluded the old man, "thousands will inquire into these matters, and having found all I told them to be true, they will come to loath and detest the present tyranny."

Alas for this romantic project, not unlikely to have proved a wise one! The wit of Marten proved wiser still, and the imaginative old judge was left merely to indulge in anticipations of his day of execution, which proved as vain as they were fond.

The next service of humanity in which we find Harry Marten's wit engaged was a service to literature no less. He preserved the life of the author of *Gonbert*. Taking advantage of that misfortune of the poet, which the pleasant doggerel of Suckling has com-

The fervid old gentleman still more fortified his friend and his own cause at this point, by reading at full length all the original passages in these authorities: it is not necessary to give them here.

memorated (no less than the questionable taste of the poet's wife, in the portrait prefixed to her edition of his works.) —

Will Davenant, ashamed of a foolish mischance
That he had got lately, trav'ling into France,
Modestly hop'd the handsomeness of his muse
Might any deformity about him excuse —

taking advantage of this, when the proposition for his death was in agitation, Marten rose, and infused mercy and good-humour into the house, by observing that really Will Davenant was but a rotten and imperfect subject, and that sacrifices "by the Mosaic law" were always required to be pure and without blemish. The question was deferred, and the ultimate interposition of Milton and Whitelocke completed the act of mercy.*

Merciful and kind-hearted as Marten was, however, no one had a firmer or more immovable temper when in his own view of the public interests they seemed to demand its exercise. He was the most violent and unyielding of republicans, the first to avow that faith, and the first to pursue unflinching, and at all hazards, the great object of its realisation. After the reverses of Charles had thrown him into the power of the parliament, Marten was the resolute opponent of all accommodation that had for its basis the restoration of a limited monarchy; and in the course of one of the debates on this subject after the battle of Naseby, — when one of the members had been urging on the house the still surviving reverence of the people for their monarch as exemplified in the account of the passage of Charles, (under the conduct of the parliamentary commissioners) from Newcastle to the palace of Holmby, where, as was alleged, multitudes had thrown themselves in his way, to show him their reverence and their pity, — Marten observed that he had heard of it; that the majority of the people had been afflicted with the king's evil, and

* Aubrey's Lives, vol. ii. of Bodleian Letters, p. 308. The first half of the third book of Gondibert was written while in the prisons of the commonwealth; and he quitted it thus imperfect, alleging, in ever memorable and lofty words, that "Even in so worthy a design he should ask leave to desist, when he was interrupted by so great an experiment as dying."

sought his majesty's touch to cure them ; but he was very sure, for his own part, that a touch of the great seal of the parliament would be found to possess precisely the same virtue, and he added his preference for that.

In the long strife which followed between the independents and the presbyterians, and involved the fate of Charles and of the monarchy, Marten was the most active and persevering of the opponents of the king. He held that it was impossible to treat with such perfidy, constant insincerity, and bad faith, as the whole of Charles's public life had exhibited, and which was now crowned by the disclosure of the contents of the cabinet left on the field of Naseby. He urged the immediate and firm settlement of a new frame of government, without present relation to the person of the king, or to questions that would be best disposed of afterwards. And when upon the refusal given by Charles to the first propositions voted him by the influence of the presbyterians, the commissioners deputed to treat having bought back that refusal from the captive monarch, and received the thanks of the house of commons for the way in which they had conducted themselves, Marten startled the majority of members present by suddenly getting up and asking — " Nay, are not our thanks rather due to the king, who has rejected our offers ? " — He had not overrated the importance of that rejection. The day that succeeded was a day of stormy debate, and in the midst of it Marten moved*, and Hazlerig seconded, that no more addresses should be made to the king, that his person should be demanded, and that Fairfax's army should march into the north, to enforce the application. " We know not," says Baillie, in a letter written at the moment — " we know not at what hour they will close their doors, and declare the king fallen from his throne."

The independents and republicans had indeed the advantage now, and through many difficulties and dan-

* See Hollis, p. 58.

gerous struggles (which they surmounted with the true genius of statesmen, by strength of character and elevation of aims) they pursued it home. The last thing that remained for them to subdue was the treachery of the Scottish people, or rather the treachery of the Scots commissioners, supported by the religious bigotry of the mass of the Scottish people. In the questions which this involved, Marten took part with an infinite zeal; and when the commissioners, in pursuance of their plan, claimed the right of interference and dictation in the terms of peace proposed at the close of 1647 to the royal prisoner, a strain of wit and of eloquence, of the happiest ridicule as of the most exquisite reasoning, was poured out against them with irresistible effect by the genius of Harry Marten. The readers will be grateful for having this masterly production laid before them, which is richly entitled to that notice it would no doubt have received from the historians, if it had happened to be made up, not of wisdom and of wit, but of dullness and falsehood.

He begins in a very clear, startling, and decisive tone; the force of plain expression is, indeed, strongly illustrated throughout, and heightened not a little by occasional dashes of humour.

“ TO RECTIFY, NOT TO UPBraid you ! You have, for divers years together, been very well entreated by us of this nation, and that from a willingness we ever had, as upon all occasions, so particularly in your persons, to manifest the brotherly respect we bear towards them who sent you. Upon the same account, many former boldnesses and provocations of yours have been winked at by the parliament, as, I am confident, your last answer would likewise be, *did you not therein seem to have remained here so long, as to have quite forgotten why you came.*

“ You may therefore please to remember, that it was no part of your first business (whatever supplemental commissions may have since been procured for a further exercise of our patience since you came among us) to

settle religion, nor to make a peace in England ; so as all those *devout-like and amicable endeavours*, for which you think to be thanked, were not only intrusions into matters unconcerning you, but so many diversions from performing, as you ought, what was properly committed to you.

“ As for our religion ; since the zeal of your countrymen would needs carry their care thereof so far from home, methinks their divines, now sitting with ours at Westminster, might excuse your trouble in this particular, or at least might teach you, by their practice, that your advice therein to the parliament is to be but an advice, and that an humble one.

“ As for the other particular of peace. It is true that, about three years ago, here were ambassadors from our neighbours of the Low Countries ; who, having found the king almost weary of fighting, made use of their privilege, and did his errand instead of their masters’ ; which was with big words to beg a peace. After that, when the king’s cause had nothing left to lean upon but the treachery of our false friends and servants, an ambassador from our neighbours of France did, *en passant*, make a certain overture of accord betwixt the crown and the head : but *your* employment here from our neighbours of Scotland had so little relation to peace, that your only work was to join counsels with a committee of ours, in ordering and disposing such auxiliary forces as that kingdom should send into this for carrying on the war.

“ As to the delays you charge upon the parliament, in that they answer your papers sometimes late, and sometimes not at all, yet require peremptory and speedy resolutions from you, as if their dealings were unequal towards you ; I hope you will give over making such constructions, when you shall consider how much more business lies upon their hands than upon yours ; and how much slower progress the same affairs must needs find in passing both houses, than if they were to be dispatched only by four or five commissioners. Were not

I conscious to this truth, and to the abundant civility they have always shown for you in their undelayed reading, present referring, and desire of complying with, what you send them, so far as might consist with their duty to this commonwealth, and that they want nothing but time to say so, I should never have presumed to trust so great a cause upon the patronage of so rude a pen. Neither indeed is it left there, *my design being to let the world imagine how strong a stream of justice runs on our side, when I dare oppose the reasons of my single bark against all the advantages of number, abilities, and countenance that you can meet me with.*"

The reader needs not be told, after what I have said in the Life of Vane, that the positions taken up by the Scots commissioners, backed as they were for the most part by the presbyterian party in England, rendered it necessary that this decisive tone should be adopted against them. The great party of which Marten was so eminent a member had, indeed, reason to hate the presbyterians nearly as much as they hated the royalists. What the independents had fought for through the whole of the struggle with Charles, was liberty ; not liberty in one sense only, but in a sense that should pervade all things. The seven years that had been passed in toil and battle would indeed have been passed to little purpose in their view, and all the miseries of civil war been rushed into wickedly and in vain ; were it all now to end in the restoration of a perfidious king, in the persecution or extirpation of sects, and in the establishment of a form of government in the church not less exclusive and intolerant than the old. These were the objects now plainly driven at by the Scots commissioners ; and in these objects the presbyterian party in parliament entirely sympathised, though the character they had to lose as friends to political freedom and the earliest instigators of the war, made them necessarily wary and cautious in declaring their sympathy too boldly. Marten takes advantage of the latter circumstance throughout the whole of this paper with great adroitness and skill.

The severity of the following passage is much increased and strengthened by its happy homeliness : —

“ For order’s sake, I shall take the pains to set the body of your discourse *as upright as I may (its proximity and perplexity considered) upon two feet*. One is, the claim you make in behalf of the kingdom of Scotland, to the inspection of, and conjunction in, the matter of our laws and the conditions of our peace. The other, *mistaking the first for evinced*, is, your telling us what you think fit, and what unfit, for us to establish in our church and state, and what way you conceive most proper for obtaining of a peace betwixt the king and us ; together with the proofs wherewith you seek to fortify your several opinions.

“ It would give your first foot too much ground to hold dispute with you upon the second ; therefore, since a man may see by your forwardness in printing and publishing both these and other your transactions with the houses, that your arguments, like the king’s in his messages, *are not framed so much to satisfy the parliament, as to beget in the people a dissatisfaction towards the parliament*, I will, God enabling me, take a time apart to undeceive my countrymen concerning both the king and you, *by laying the hook as open as the bait in all your lines* ; and, for the present, apply myself only to the shewing you, that when you shall have offered your counsel to the parliament of England (as for aught I know any one man may do unto another), in matters concerning this kingdom only, though the most wholesome counsel that ever was or can be given, and the parliament shall not approve of it, nor have so much as a conference upon it, *it is no more manners in you than it would be in the same number of Spaniards, Indians, or of the most remote region of the earth, to press it again ; to insist upon it, and to proclaim your unsatisfaction in it.*”

The pretences of the Scots, and the serious invasions they implied on the newly achieved freedom of England, are next ably exposed. The introduction of the

subject of the army is aimed not less at the parliamentary presbyterians.

“Let us, with your favour, consider your pretences: you do not aim, as yourselves profess, at sharing in our rights, laws, nor liberties, but in other matters, viz. such as either in their own nature, or by compact, are common to both kingdoms; which I take the more notice of, because one would suppose you to be grown kinder now than you were the other day, when you went about to make us believe, that nothing in our laws did properly belong to us, but the form and manner of proceeding therein, the matter of them being held in common with the kingdom of Scotland: and therefore, and for their possibility of containing something prejudicial to that kingdom, to be revised by you before they receive their perfection.

“But the truth is, you are still where you were, only the people’s ears are, by this time, so habituated to the doctrines you frequently sow among them, — those doctrines so improved by your seminaries, who find their own interest interwoven with yours, and the parliament seeming but a looker-on, — that you persuade yourselves any thing will pass that you shall set your stamp on; otherwise you would certainly have been ashamed to disavow the busying yourselves with our rights, laws, and liberties, and, with the same breath, to dispute our rights, correct our laws, and infringe our liberties.

“Nay, contrary to that moderate concession of yours, you do, in this answer, intrench upon the very form and manner of our bills and propositions; and, as if the marshalling them, the putting them into rank and file, were to be by your order, you take upon you to appoint which of our desires shall have the van, and which the rear, in this expedition.

“And (which is the most pleasant part of the story, *if it would take, as truly such a thing might have done, when you and we were first acquainted*), though the parliament of England, as I told you even now, would not order the motions of the Scots army that served us in

our country, and for our pay, but by conjunction of councils with commissioners of that kingdom ; yet you (as you could not forbear meddling with our army, when it was in modelling), so do in this paper continue the office you put yourselves into, of disposing, disbanding, dismembering, catechising, and reviling this army of ours : *the greatest bulwark, under God, of our liberties, and which yet had proved ineffectual, if your counsels had been followed, or your importunities regarded.*

“ Since then your way of advising us is not in a modest or submitting manner, but as if you meant to pin your advice upon us whether we will or no. Give me leave, I pray you, to examine *quâ fiduciâ*, promising you faithfully for my part, that whensoever you shall bring the matters contested for, within the rules of your own setting down, that is, ‘ either in nature or by covenant, or by treaty, to be of a mixed concernment,’ I will either not deny you a ‘ joint interest’ in them, or acknowledge myself to have no more honour nor conscience in me, than he may be said to have, who, being intrusted for his country, gives up their dearest rights to the next stranger that demands them, without so much as arguing the point.”

Great earnestness, zeal, and force, are singularly united in this remarkable paper with a certain studied and cold tone of temperance, and downright homeliness of manner. The altered position of the Scots since the conclusion of the war, is exquisitely illustrated in the answer to their first agreement.

“ Your arguments, by my computation, are five, and, if I understand them, speak thus : —

“ ARG. I. ‘ The same common interest upon which Scotland was invited and engaged in the war, ought to be continued, (so I read you, and not ‘ improved,’ that being a wild expression, and reaching neither you nor I know whither), in making the peace.’ For answer thereunto, should I admit it, — the word, ‘ invited’ put you in mind that your countrymen came not to the war before they were called ; keep you the same method in

accedendo ad consilium, and we shall still be friends. But I cannot subscribe to this position, for I believe it was a duty that the people of Scotland did owe unto themselves to give us their assistance in the late war, though they had not been invited; yet doth it not follow from thence that when the war is ended (*as you often say it is, and yet most riddingly take huge pains for peace*) they are bound to mingle with us in our councils, nor help us to settle our own kingdom, which we think ourselves able to settle well enough without them; at least without their prejudice to whom a good peace or a bad, so as it be a peace, is the same thing. For instance, *the law of this land that gives me leave to pull down my neighbour's house when it is on fire, in order to the quenching of it for the securing of my own, will not authorise me, against his will, to set my foot within his threshold, when the fire is out — even though I make it my errand to direct him in the rebuilding of his house, and pretend the teaching him so to contrive his chimnies as may, in all probability, prevent, for the future, a like loss to him, a like danger to myself.*

“ARG. 2. You demand the same conjunction of interests to be given you, that was had of you. There I join issue with you, and profess, that if ever the parliament of England, or any authority derived therefrom, did offer to put a finger into the proper affairs of Scotland, or into the government, civil, ecclesiastical, or military of that kingdom, and being once required to desist, did, notwithstanding, prosecute their title of advising, *volentibus nolentibus*, I shall readily, so far as in me lies, grant you to have a hand with us in the managing of this kingdom, and the government thereof.”

The next extract is of great importance, as a protest on the part of a leader of the independents declaratory of the nature and force of the obligation of the covenant. The passage in itself is most masterly. It strengthens and establishes, it will be seen, Vane's own view of that league of which he was the author, and which, were every other record of his life destroyed, would yet per-

manently attest the greatness of his genius and the force of his character. With what a careless yet noble simplicity Marten describes the wise and tolerant faith of the independents !

" ARG. 3. You affirm, that the covenant entered into betwixt us, makes you co-parteners with us in every thing there mentioned ; by which reckoning, neither this nation, nor that of Scotland, hath any right, law, or liberty which either can properly and distinctly call its own, but both interests are jumbled together, and the two kingdoms are not confederate, but incorporated.

" Concerning the covenant, therefore, *which myself, among others, considering it first as well as I could, have taken*, I shall shortly give you my sense in relation to the point before us.

" First, I do not conceive the parties to that league intended thereby to be everlastingly bound each to other ; the grounds of striking it being merely occasional, for the joining in a war to suppress a common enemy : accordingly we did join ; the enemy is, if we be wise, suppressed, and the war, as you say, ended ; *what should the covenant do, but, like an almanack of the last year, shew us rather what we have already done, than what we be now to do ?*

" Secondly, What would it do, were it renewed and made perpetual ? Thus much it saith, in my opinion, and no more : whensoever you shall be violently hindered in the exercise of that religion you had amongst you at the time of the engagement, and shall require our assistance, we must afford it you for the removal of that violence. In like manner, whensoever we shall be so hindered in the exercise of that religion which we, according to that covenant, shall establish here, upon request to you made for that effect, you are tied to assist us. And so throughout all the other clauses respectively and equally ; carrying this along with you, — we are hereby obliged to the reciprocal defence of one another, according to the declaration of the party wronged in any of the particulars there compromised, without being cavilled

at, or scrupled by the party invoked ; whether your religion be the same it was, or ours the same it should be ; whether the bounds of your liberties or ours be not enlarged beyond their then line ; whether your delinquents or ours be justly so or no : for the native rights of both peoples being the principal, if not the only thing we looked on when we swore, *we do not keep our oath in preserving those rights, if we do not allow this master-right to each several people ; namely, to be sole judges within themselves, what religion they will set up, what kind of laws they will have, what size, what number of magistrates they hold fit to execute those laws, and what offenders to be tried by them.* Hereupon you know we did not enquire at all how orthodox your religion was before we vowed to maintain you in it ; *that is, in the quiet professing of it, not in the theological truth of it, which last were a business for a university perhaps, not for a kingdom ;* being well assured it was established by them who had all the authority that is visible to choose for themselves, and could not, without apparent breach of order, and injury to fundamentals, be disturbed in the exercise of what they had so chosen.

“ So far is the plain text of this covenant from confounding interests, that it clearly settles and confirms them upon the several bases where it found them. And it would not be unworthy of you to take heed lest this covenant, upon which you seem to set so high a rate, be not as easily violated as slandered, since the most deadly wars have been said at least to begin with misunderstandings.”

The rationale of the famous eighth article of this treaty is now given, in a passage which for closeness of reasoning, familiar wit of illustration, and a vigorous conciseness of style, is quite worthy of Swift. The general case of the independents is here stated against all their opponents, whether of England or Scotland, with inimitable ease and clearness.

“ ARG. 4. Your entitling yourselves to a cognizance in the conditions of our peace, and consequently in the

matter of our laws, when they relate to an agreement, as I confess the four bills do which were sent, is grounded upon a very great mistake of the eighth article in the treaty; the words whereof are indeed very rightly recited by you, and the article itself so rational, so ordinary, so necessary, in all wars joined in by two states, that I do almost wonder as much what need there was to have inserted it, as I do how it is possible for you to mistake it. It stands briefly thus; one of you (for the purpose), and I (*pardon, if you please, the familiarity of the instance*), have solemnly engaged ourselves each to other for our mutual aid against a third person, because we conceived him too strong for either of us single, *or because one of us doubted he might have drawn the other of us to his party, if not pre-engaged against him*; but whichsoever of us was first in the quarrel, or whatever was the reason of the other's coming in, we are engaged; and, though there were no writings drawn betwixt us, no terms expressed, were not I the veriest skellum that ever looked man in the face, if I should shake hands with the common adversary and leave you fighting? Against such a piece of baseness, supposing it be like to be in nature, this article provides, and says, that since these two kingdoms were content to join in a war, which, without God's great mercy, might have proved fatal to them both, neither of them shall be suffered to make its peace apart; so as if the parliament of Scotland, upon consideration of reasons occurring to themselves, should offer to re-admit the king into that kingdom, I say, not with honour, freedom, and safety, but, in peace, the parliament of England might step in and forbid the banns, telling them we are not satisfied that an agreement should yet be made; similiter, if this parliament would come to any peace with him by bills or propositions, or by what other name soever they call their plasters, you may, being so authorised, in name of that kingdom, or the parliament thereof, intervene and oppose; telling us that you, who are our fellow-surgeons merely in lancing of the sore, are not satisfied in the time for heal-

ing of it up ; but for you to read a lecture to us upon our medicaments and their ingredients, to take measure of wounds, and to prefer your measure before that of our own taking, was never dreamt on by the framers of this article.

“ Here it may perhaps be demanded, though not by you, whether, according to my sense of the treaty, tying up both kingdoms to a consent in the *fiat*, not in the *qualis fuerit* of peace, if one should be obstinately bent to hang off, *the other be necessitated to welter everlastingly in blood for want of such a concurrence?* I answer, yes, for these reasons :—

“ First, *A wise man will foresee inconveniences before he makes his bargain, and an honest man will stand to his bargain, notwithstanding all inconveniences.*

“ Secondly, There will be no great encouragement for any obstinacy of that kind, when it shall be remembered that the party obstructing the peace must continue to join in the war, and is liable to all the consequences thereof.

“ Thirdly, There is another and a more natural way to peace and to the ending of a war, than by agreement, namely, by conquest. *I think he that plays out his set at tennis till he wins it, makes as sure an end of it, and more fair, than he that throws up his racket when he wants but a stroke of up, having no other way to rook those of their money that bet on his side.* If I am trusted to follow a suit in law for friends concerned therein, together with myself, and daub up a rotten compromise with my adversary, my fellows not consulted, but desiring the suit should still go on, it is not fit they should be bound thereby; but if I continue to do my duty, and bring the cause to a hearing, to a verdict thereupon, and to judgment upon that; such an end of the quarrel I hope I may make without their leave, and, if the trial went with me, certainly without their offence.

“ To return to the nature of confederacies. Is the war wherein we are joined an invasion from without? Any one man of either side, if he have strength enough,

hath authority enough to end it, by repelling the invader Is it a rebellion from within? It were strange to think that any law or engagement should hinder a single man from ending it, if he be able, by suppressing of the rebels. *The unworthy friend in the fable, when his companion and he met a bear in the wood, might have been allowed to kill her himself; but he should not have sought his safety in a tree, without taking his friend along with him.*

“ One thing more I shall add to justify the reason of this eighth article, such as might, for its clearness of being implied, have excused its being listed among the rest. Never did any people that joined in arms with a neighbour nation, patch up a peace apart with more dishonour to itself, than either of us should do, if we could imagine ourselves to be so vile; for the common enemy in this war is not a stranger unto either kingdom, but the king of both; so as whichsoever of the two closeth with him by itself, before consent that there shall be at all a closure, doth not only withdraw from the other those aids it should contribute, but, of a sworn brother, becomes an open enemy.

“ Here I must observe, that as you put an interpretation upon this article which it will not bear, and, from the power you have thereby of hindering us from agreeing with the king at all, would enable yourselves to pry into the particulars of our agreement, *so you do not once glance at the point which was the true genuine scope of the article.* You do not protest against our making peace with this man, and give such reasons as Jehu did upon a less occasion. *You do not wonder what confidence we can repose in him, after all this experience of him, and before so much as a promise of any amendment from him: you do not warn us, by the example of your countrymen, what a broken reed we shall lean upon when we make a pacification with him: you do not remember us with what horrors the assembly of your church did look upon his misdoings; nor what sense both kingdoms had (not of a reconciliation with him, but) of even suffer-*

ing him to come near the parliament of England, until satisfaction were given for the blood which he had then caused to be shed in the three kingdoms. In fine—you do not say, for you need not give us your reasons, that you will make no peace with the king, therefore we ought not; but you do as bad as say that you have made your peace already, and that not only without our consent (in despite of the article which you urge against us), but without our privity; that you are come to a degree beyond being friends with him, to be advocates for him; not in meditating that his submission might be accepted, his crimes obliterated, and their salary remitted, but in asserting the same cause which we have been all this while confuting with our swords—the same cause which, what Englishman or Scotsman soever shall endeavour to maintain in arms, is a declared traitor to his country; and if by his tongue or pen, in that kingdom of the two where he is no native, a manifest incendiary. But there will be time enough to do your errand into Scotland, after I have proved England to be a noun substantive; against which you have the shadow of one argument left still.”

The same soundness and sagacity of view, the same vigour of understanding at once original and practical, equal force and familiarity of illustration, and alike plainness and strength of style, are observable in his treatment of the fifth and last argument of these Scots commissioners.

“ARG. 5. The strength of your last reason is this: ‘Our parliament hath formerly communicated unto you the matter of their propositions and of their bills in order to peace, and generally, indeed, whatever hath passed betwixt the king and us since the conjunction of the two kingdoms against him:’ Thereupon you have offered us your advice concerning the particulars so communicated, and we have reconsidered them upon your advice; sometimes complying therewith, other times making it appear to you why we could not. You say, ‘That communication of councils we would never have

suffered, if we had not been bound to it, which if we ever were, we still are.'

" Custom and constant usage, I acknowledge, doth commonly obtain the name of law ; but the late practice of some four or five years hath not an aspect reverend enough to deserve the name of custom. It is as old, you will say, as an usage can be that is grounded upon a treaty of the same age, and shall be sufficient to signify how the parties to the treaty did understand their own meaning. I should not deny this pretence of yours to be more than colourable, if you could prove that our transactions with the king were imparted to you in relation to that engagement ; nay, if I could not show you upon what other ground we did, and that we could not reasonably be imagined to do it upon that.

" *First.* To prove what the parliament had in their intentions, when they advised with you, I believe you will not undertake ; especially this being the first time, to my remembrance, that this point came in question betwixt us. I shall therefore endeavour to tell you, as near as I can, having been an attentive witness to most of their debates upon that subject, what it was that moved them to give your challenge so much probability of advantage as this amounts unto ; you ask that now without being answered, which you were not to have without asking. You were so, and that from these two roots. One was the extraordinary care the parliament had to omit no act, no circumstance of civility towards you, which might express or preserve the amity and correspondence betwixt them and your masters, though they were not ignorant what extreme prejudice courteous and good-natured men have often drawn upon themselves in their dealing with persons of a contrary disposition. Another was, since both kingdoms have been embarked in the same cause, as men of war, and were afterwards resolved to trade for peace ; since the commodities of both were to be stowed in the same bottom, and bound for the same port ; we thought it but an ordinary piece of friendship for us, who could make no

markets when we should be arrived without your allowance, to open and let you see, before we launched, our several parcels and instructions concerning what we would export and what bring home ; not that we meant to consult you what kind of merchandize you thought fittest for us to deal in (which, questionless, is better known at the Exchange than at Edinburgh), nor to follow such advice therein, as you should give us without asking, any farther than we liked it (and so far the best merchant in London is content to be ruled by the swabber of his ship) ; *but merely to the end you might, if you pleased, from our example, and from your approbation of the wares we were resolved to deal in, furnish that kingdom whose factors you were with merchandise of the same kind ;* and for evidence that the freedom we used towards you was no otherwise understood by you, *you did actually underwrite divers of our bills of lading in these syllables, ' The like for the kingdom of Scotland.'*

“ It remains to be shewed how little reason there is you should fancy to yourselves such a ground of the parliament's former openness to you, as you strive to farther upon them ; for, first, if they had communicated their propositions to you, as conceiving the word agreement in the eighth article to comprehend all the preparations to, materials of, and circumstances in, an agreement, they would not have adhered, as many times they did, unto their own resolutions, notwithstanding your reiterated dissatisfaction.

“ Again : If they had conceived themselves bound to any such thing by this article, would they not have thought the kingdom of Scotland as much bound for their parts ? Should we not have been as diligent inspectors and castigators of your propositions as you have made yourselves of ours ?

“ When you shall ask me (setting the point of duty aside, and granting all that hath been done by us in this kind to have been voluntary), why we do not observe the same forwardness in communicating our

matters to you, the same patience in expecting your concurrence with us, and the same easiness of admitting your harangues and disputations amongst us, which you have heretofore tasted at our hands, and how we are become less friendly than we were? I have this to say, *there is some alteration in the condition of affairs*: So long as we needed the assistance of your countrymen in the field, we might have occasion to give you meetings at Derby house, and now and then in the Painted Chamber, it being likely that the kingdom of Scotland might then have a fellow-feeling with us for the wholesomeness or perniciousness of your counsels; whereas now since we are able, by God's blessing, to protect ourselves, we may surely, with his holy direction, be sufficient to teach ourselves how to go about our own business, at least without your tutoring, who have nothing in your consideration to look upon, but either your particular advantage, or that of the kingdom whence you are. And as there is some alteration in affairs, so there is very much in persons, I mean in yourselves, unless, being indeed the same at first which now we find you, you only wanted an opportunity to appear; but, whether you be changed or discovered, what Englishman soever shall peruse the papers that you have shot into both houses of parliament, especially into the house of commons, these two last years, but would as lieve take advice from the king as from you? And if a stranger should read them, he would little suspect the writers for friends or counsellors, but for pleaders, for expostulators, for seekers of a quarrel; and that (which is the most bitter weed in the pot) in the behalf, not so much of them who did employ you, as of him against whom you were employed, and against whom, if you were Scotsmen, nature would teach you to employ yourselves.

“ By this time *I hope you see we have greater cause to repent that we have kept such thorns thus long in our sides, than to return with the dog to the same vomit, and with the lazy sow, scarce cleansed of her former wallow-*

ing, to bewire ourselves again. I bestow a little the more ink upon this point, because I would prevent like claim hereafter, and have it left to the liberty of this nation, next time they shall be invaded or oppressed, though they did once call in their brethren of Scotland to their aid, whether they will do so any more or no."

The bitter severity, the supreme scorn of these masterly sentences, were long remembered and referred to. An entire and perfect contempt scorneth nicer phrase. The close of the paper, so remarkable in every way, illustrates with almost superior force the republican fervour of Marten's views, the various wit of his illustrations, and the republican plainness and strength of his style.

"Having gone through your five arguments, at the end of your dozen commandments (so I call desires that must not be slighted on pain of incurring the guilt of violating engagements, and of such dangers as may ensue thereupon), I observe one engine you use, whereon you lay more weight than upon all you say beside; it begins with a flourish of oratory *bespeaking a fair interpretation of your meaning, though your motion be to take the right eye out of every one of our heads*; then you think to make your desires legitimate with fathering them upon a kingdom, and put us in mind how well that kingdom hath deserved to reign over this: for to the offering of desires, as desires, there needs no merit, sure; but since your opinion (that the advantages of honour lie all on that side, and that obligations of this sort have not been as reciprocal between both nations, as those of leagues and treaties) will force my pen upon this subject, I shall let you know that somewhat may be said, when modesty gives leave, on this side too; and yet all the kindnesses we have received from Scotland shall, by my consent, not only be paid for, but acknowledged; and I can be content to believe that our neighbours did not know how ill we were, till we were almost past cure, and therefore came slowly to us: that they did not know how well we were, in a year after we had

nothing for them to do, and therefore went slowly from us. Only I would have it confessed, that the fire we talk of was of your countrymen's kindling; began to burn at your house, to be quenched at ours, and by our hands.

"But admit this nation had been merely passive in this war, and did owe their deliverance out of the king's talons wholly to the Scots nation; if the rescuer become a ravisher, if they have protected their own prey they have merited only from themselves, and have their reward in their own hands. *What have we gotten by the bargain? What have we saved? What have we not lost? For if once you come to fetch away my liberty from me, I shall not ask you what other thing you will leave me; and the liberty of a people, governed by laws, consists in living under such laws as themselves, or those whom they depute for that purpose, shall make choice of.* To give out orders is the part of a commander; to give laws, of a conqueror; although our Norman did not think fit so to exercise his right of conquest: nay, our condition would be lower and more contemptible, if we should suffer you to have your will of us in this particular, than if we had let the king have his: for,

"First, *A king is but one master, and therefore likely to sit lighter upon our shoulders than a whole kingdom; and if he should grow so heavy as cannot well be borne, he may be sooner gotten off than they. You shall see a Monsieur's horse go very proudly under a single man, but to be chargé en croupe, is that which nature made a mule for, if nature made a mule at all.*

"Secondly, The king never pretended to the framing and imposing of laws upon us, as you do; he would have been content with such a negative voice therein, as we allow you in the making of our peace with him. Did we fight, rather than afford him so much, though seemingly derived unto him from his predecessors; and shall we tamely give you more? give you that which your ancestors never yet durst ask of ours?

"Thirdly, It had been far more tolerable for the king,

than for any foreign nation, to have a share in the making of our laws, because he was likely to partake, and that largely, in the benefit of them, if good ; in the inconveniences, if bad ; which strangers are not : nay, contrarily, it is matter of envy and jealousy, betwixt neighbours, to see each other in a flourishing estate : so as the proper end of laws being to advance the people for whom they are made, in wealth and strength, to the uttermost, they are the most incompetent judges of those laws in the world whose interest it is to hinder that people from growing extremely rich or strong.

“ But what hath been already said, and by a word or two of close, it will, I hope, appear, that the claim you make to the voting with us in the matter of our laws and the conditions of our peace, as a thing whereunto we should be obliged by agreement, is,

“ 1. Mistaken in matter of fact ; there being no such engagement on either side.

“ 2. Unreasonable ; for the considerations above-mentioned, and for being destructive to the very principles of property,

“ 3. Unequal (notwithstanding the reciprocation) *more than Cyrus's childish judgment was, in making the little boy change coats with the great one, because his was long and the other short ; for our coats are not only longer than yours, but as fit for us that do wear them, as for you that would.*

“ 4. Unusual ; there being no precedent for it that I could ever read or hear of ; and yet there have been leagues betwixt states of a stricter union than this betwixt us, as offensive and defensive, ours only defensive.

“ 5. Unsafe ; for the keeping up of hedges, boundaries, and distinctions (I mean real and jurisdictional ones, not personal and titular), is a surer way to preserve peace among neighbours, than the throwing all open. And if every man be not admitted wise enough to do his own business, *whoever hath the longest sword will quickly be the wisest man, and disinherit all his neighbours for fools.*

" 6. Impossible to be made good to you, if it had been agreed ; for the parliament itself, from whom you claim, hath not, in my humble opinion, authority enough to erect another authority equal to itself.

" As for your exhortations to piety and loyalty, wherewith you conclude : When you have a mind to offer sacrifice to your God, and tribute to your emperor, (since the one will not be mocked, and the other should not) you may do well to do it of your own ; and to remember THAT THE LATE UNNATURAL WAR, WITH ALL THE CALAMITIES THAT HAVE ENSUED THEREON, TOOK ITS RISE FROM UNNATURAL ENCRUACHMENTS UPON THE SEVERAL RIGHTS AND LIBERTIES OF TWO NATIONS, RESOLVED, IT SEEMS, TO HOLD THEIR OWN WITH THE HAZARD OF A WAR, AND ALL THE CALAMITIES THAT CAN ENSUE THEREON."

The result of these exertions against the Scots by Marten and his friends, was to establish the irreparable breach so long desired, and prepare the way for the last victory of the independents. The four bills embodying the conditions of treaty, were sent to the king for his assent.* The Scots commissioners arrived at the Isle of Wight exactly one day later than the commissioners of the parliament, and with much formality delivered to the king a protest against the bills, but with the secret object of pressing an alliance with Charles that should put an end to the ascendancy of Cromwell, of Vane, and their bitter assailant Marten. The weak and perfidious king rejected the bills of the parliament, and at the same instant signed a secret treaty with the Scots by which he bound himself to renounce episcopacy, and accept the covenant in solemn parliament of both kingdoms. By this act he renounced also for ever the character which has so long and so idly been ascribed to him, of the church of England's martyr. They who say he died for the church of England, cannot say also that he re-

* Clarendon has altogether misrepresented the nature of these bills, and directly and unequivocally falsified the description of the last two of them. — See Godwin's History of the Commonwealth, ii., 474. note.

fused to set his hand to the surrender of it. After the treaty the Scots left the Isle of Wight to prepare for war with their brethren of England, and the parliamentary commissioners returned to London with that news which Vane, Cromwell, Marten, and Ireton were only waiting for, to induce them to begin their operations once for changing the form of government of this country from a monarchy into a republic.

Marten drew up a resolution which was supported with startling force by Ireton and Cromwell in a short debate recorded by Clement Walker.* The resolution declared "That they would offer no further addresses or applications to the king; that no addresses or applications should be made by any one without leave of the two houses; and that whoever contravened this order, should be liable to the penalties of treason." After a violent speech from sir Thomas Wroth in support of the resolution, according to Clement Walker, Ireton rose and spoke with calm but fatal moderation. He said, that "the king had denied that protection to the people which was the condition of obedience to him; that after long patience they should now at last show themselves resolute; that they should not desert the brave men who had fought for them beyond the possibility of retreat or forgiveness, and who would never forsake the parliament, unless the parliament first forsook them." After some further debate, Walker adds,

*Hist. of Independency, p. 70. Walker's account is borne out by this very striking passage of a pamphlet by May on the "Origin and Progress of the Second Civil War." It is to be found in Masere's Select Tracts, vol. i. 108. "On the third of January, the house of commons debated, of this denial of the king: the dispute was sharp, vehement, (and high, about the state and government of the commonwealth; and many plain speeches made of the king's obstinate averseness, and the people's too long patience. It was there affirmed, that the king, by his denial, had denied his protection to the people of England, for which only subjection is due from them; that, one being taken away, the other falls to the ground; that it is very unjust and absurd, that the parliament (having so often tried the king's affections) should now betray to an implacable enemy, both themselves and all those friends, who, in a most just cause, had valiantly adventured their lives and fortunes; that nothing was now left for them to do, but to take care for the safety of themselves and their friends, and settle the commonwealth (since otherwise it could not be), without the king."

"Cromwell brought up the rear." It was time, he said, to answer the public expectation, that they were able and resolved to govern and defend the kingdom by their own power; and teach the people that they had nothing to hope from a man whose heart God hardened in obstinacy. "Do not," he concluded, "let the army think themselves betrayed to the rage and malice of an irreconcilable enemy, whom they have subdued for your sake, from whom they should meet revenge and justice—do not drive them to despair, lest they seek safety by other means than adhering to you, who will not stick to yourselves—and (*laying his hand on his sword*) how destructive such a resolution in them would be to you all, I tremble to think, and leave you to judge." A division after this debate involving the principle of the resolution was carried by a majority of 141 to 92; and established beyond question the power of the independent or (now) republican party. The lords, after two days' delay, concurred with the commons, and a declaration from the republican officers attested with opportune force the gallant devotion of the army. Charles's last reasonable chance had now disappeared for ever!

In all the subsequent proceedings against him Marten acted a foremost and distinguished part. Relying on the good faith of Oliver Cromwell, at this time the most intimate of his friends, he assisted him to the utmost, in common with the other republicans, in strengthening the civil influences and power of the army. Supposing Cromwell to have already formed to himself his secret projects of ambition, it must nevertheless be admitted that the measures in which Vane and Marten now co-operated with him were not such as seemed likely to conduce to a scheme of personal usurpation. These measures had become absolutely necessary to meet the determined and fierce hostility of two great parties, the presbyterians and the royalists (still strong even in their defeat, because the known prejudices and habits of a great majority of the English people in favour of a

monarchical executive, secretly sustained some of the weakest points of their cause); and Vane and Marten could scarcely have supposed that in promoting the organisation of an armed and enthusiastic democracy with a view to surmount these potent obstacles, they were not doing every thing within their then limited means to advance the cherished project of a pure republic. But this question, so far as Vane is concerned in it, has already been discussed. Marten's belief in Cromwell's sincerity lasted longer than Vane's, not less, perhaps, because of a less subtle and more relying temper, than that he was, by reason of his commission in the army, more mixed up with the absolute personal interests of that great body.

When Fairfax began his ominous advance upon London after the famous rendezvous at Newmarket, Marten joined him in his capacity as colonel, and was understood not only to have taken an active share in the various consultations of the officers, but to have assisted Ireton in his famous papers and representations to the house of commons, drawn up on behalf of the army. Let those who imagine such conduct to have directly favoured the subsequent establishment of military despotism first understand what these representations were. "We are not," says the preamble of one of them, "a mercenary army, hired to serve any arbitrary power of state; but called forth and conjured by the several declarations of parliament, to the defence of our own and the people's just rights and liberties; and so we took up arms in judgment and conscience to those ends, and are resolved — according to your first just desires and declarations, and such principles as we have received from your frequent informations and our own common sense concerning these our fundamental rights and liberties — to assert and vindicate them against all arbitrary power, violence, and oppression, and all particular interests and parties whatsoever." This consideration should indeed never be lost sight of, in pronouncing upon the events of this memorable crisis. When these

men saw that all they had fought and bled for, in fields where their courage and genius for command had revived memories of the men of Cressy and of Poitiers, — when they saw the dearly won liberty at last within their grasp, endangered by the exclusive and intolerant views of the presbyterians — they merely stepped out of the ranks wherein they had not fought for hire, but for the interests of their children and their homes, and, as citizens, threw their weight into the scale of parties, with a demand that those interests might not be sacrificed again to the predominance of bigotry or intolerance, no matter what the form they might assume.

A subsequent passage in the paper already quoted will illustrate further the exact sympathy of Marten and the officers, up to this period and beyond it, with the views of Vane and with the purest doctrines of popular government. “And because,” they said, “the present distribution of elections for parliament members is so very unequal, and the multitude of burgesses for decayed or inconsiderable towns (whose interest in the kingdom would in many not exceed, or in others not equal, ordinary villages) doth give too much and too evident opportunity for men of power to frame parties in parliament to serve particular interests, and thereby the common interest of the whole is not so minded, or not so equally provided for; we therefore further desire, — That some provision may be now made for such distribution of elections for future parliaments as may stand with some rule of equality or proportion, as near as may be to render the parliament a more equal representative of the whole; as for instance, that all counties or divisions and parts of the kingdom (involving inconsiderable towns) may have a number of parliament-men allowed to their choice proportionably to the respective rates they bear in the common charges and burdens of the kingdom, and not to have more; or some other such like rule. And thus a firm foundation being laid, in the authority and constitution of parliaments, for the hopes at least of common and equal right and freedom to ourselves, and

and all the free-born people of this land, we shall, for our parts, freely and cheerfully commit our stock or share of interest in this kingdom into this common bottom of parliaments ; and though it may, for our particulars, go ill with us in one voyage, yet we shall thus hope, if right be with us, to fare better in another." Two centuries were allowed to pass, and a new settlement of the constitution and the crown was suffered to be made, before the simple, wise, and manly claims of these republican officers, headed by the mild and modest Fairfax, the resolute Cromwell, the pure and lofty-minded Ireton, the witty, light-hearted, and so-called mercurial Harry Marten, were conceded to the English people !

Some months after the date of this representation from the army, when the presbyterians, assisted by some disturbances among the people and certain desperate intrigues on the part of the king and the cavaliers, had rallied once again and held momentary sway in the capital, another and a final body of "proposals" was issued from the council of officers. It had been prepared by Ireton and Marten. Its sincerity has been doubted by shrewd and well-judging writers, on the ground that these men were too staunch republicans to entertain seriously any project that should have for its basis the restoration of the king. This reason however is scarcely admissible. Undoubtedly Ireton and Marten were staunchest republicans; republicans in theory no less than practically convinced republicans ; republicans because, they held, with the better spirits of Greece and Rome, that man in civil subjection to his fellow man is incapable of being all that man in the abstract is qualified to be ; and republicans also, because of their practical experience of the utter insincerity, falsehood, and perfidy of the present monarch ; but yet, admitting all this, it should not have withheld them from negotiating, under the present distracted circumstances of the kingdom, a certain and immediate purchase of liberty and good government, on behalf and for the advantage of

the great mass of their fellow citizens, even at the sacrifice of the form and the name they loved. And this was what they did in drawing up these memorable proposals. They embodied under them the immortal design of what has been called in modern days "a monarchy surrounded with republican institutions," or what Montesquieu would have better called "a republic in disguise."

Had Charles accepted these proposals, and with sincerity redeemed them, his throne and his life would have been saved. He rejected them with infatuated scorn*, and both were lost. He placed secret reliance still upon the divisions in the city and the parliament, and, clinging to his detested fondness for intrigue, abandoned himself to the worst fate that awaited him.

Some extracts from these proposals will startle the reader. They present a system of civil and religious reform so entire and perfect, and condense, in a series of compact proposals, such a mass of philosophical legislation, as, after a two centuries' march of intellect over the English nation, her liberal ministers and representatives are still only struggling to attain to. In the very parliament which now sits at Westminster, the same propositions are actually under discussion, which formed the major part of these proposals from the council of officers drawn up by Ireton and Marten, and laid upon the table of the house of commons at the close of 1649, by the younger Vane!†

The paper opens with a stipulation that the "things

* "See Memoirs of Sir John Berkeley in Maseres' Select Tracts, i. p. 366—369. Mr. Hallam most justly remarks of the general character of the proposal, that "the terms were surely as good as Charles had any reason to hope. The severities against his party were mitigated. The grand obstacles to all accommodation, the covenant and presbyterian establishment, were at once removed; or, if some difficulty might occur as to the latter, in consequence of the actual possession of benefices by the presbyterian clergy, it seemed not absolutely insuperable. For the changes projected in the constitution of parliament, they were not necessarily injurious to the monarchy. That parliament shall not be dissolved until it had sat a certain time, was so salutary a provision that the triennial act was hardly complete without it. It is, however probable, from the king's extreme tenaciousness of his prerogative, that those were the conditions that he found it most difficult to endure."—*Const. Hist.* i. 286.

† *Parl. Hist.* xvi. 210.

hereafter proposed," having been provided for by the long parliament, that famous assembly should be dissolved "within a year at most." A plan for reform in the representation is then propounded thus:—

1. "That parliaments may biennially be called, and meet at a certain day, with such provision for the certainty thereof, as in the late Act was made for triennial parliaments, and what further or other provision shall be found needful by the parliament to reduce it to more certainty; and upon the passing of this, the said Act for triennial parliaments to be repealed.

2. "Each biennial parliament to sit one hundred and twenty days certain, unless adjourned or dissolved sooner by their own consent; afterwards to be adjournable or dissolvable by the king: And no parliament to sit past two hundred and forty days from their first meeting, or some other limited number of days now to be agreed on: upon the expiration whereof each parliament to dissolve of course if not otherwise dissolved sooner.

3. "The king, upon advice of the council of state, in the intervals betwixt biennial parliaments, to call a parliament extraordinary, provided it meet above seventy days before the next biennial day; and be dissolved at least sixty days before the same, so as the course of biennial elections may never be interrupted.

4. "That this parliament, and each succeeding biennial parliament, at or before adjournment or dissolution thereof, may appoint committees to continue during the interval, for such purposes as are, in any of these proposals, referred to such committees.

5. "That the elections of the commons for succeeding parliaments may be distributed to all counties, or other parts or divisions of the kingdom, according to some rule of equality or proportion; so as all counties may have a number of parliament members allowed to their choice, proportionable to the respective rates they bear in the common charges and burthens of the kingdom; or, according to some other rule of equality or proportion, to render the house of commons, as near as

may be, an equal representative of the whole ; and in order thereunto, that a present consideration be had to take off the elections for burgesses for poor, decayed, or inconsiderable towns : and to give some present addition to the number of parliament members for great counties that have now less than their due proportion ; to bring all, at present as near as may be, to such a rule of proportion as aforesaid.

6. "*That effectual provision be made for future freedom of elections and certainty of due returns.*"

7. " That the house of commons alone have the power, from time to time, to set down further orders and rules for the ends expressed in the two last preceding articles ; so as to reduce the election of members of that house to more and more perfection of equality in the distribution, freedom in the election, order in the proceeding thereto, and certainty in the returns ; which orders and rules, in that case, to be as laws.

8. " That there be a liberty for entertaining dissents in the house of commons, with a provision that no member be censurable for aught said or voted in the house, further than to exclusion from that trust, and that only by the judgment of the house itself."

In the succeeding passages it is proposed that the judicial power of both houses should be strictly limited and defined, and that the formation and attributes of grand juries, the magistracy, and the sheriffs, should be better and more justly regulated. How little modern reformers have discovered ! how much less they have achieved !

9. "*That the judicial power, or power of final judgment in the lords and commons, and their power of exposition and application of law, without further appeal, may be cleared : And that no office of justice, minister of state, or other person adjudged by them, may be capable of protection or pardon from the king, without their advice and consent.*"

10. " That the right and liberty of the commons of England may be cleared and vindicated as to a due exemption from any judgment, trial, or other proceeding

against them by the house of peers, without the concurring judgment of the house of commons : As also from any other judgment, sentence, or proceeding against them, other than by their equals, or according to the law of the land.

11. "The same act to provide, *that grand-jurymen may be chosen by and for several parts or divisions of each county respectively, in some equal way; and not remain, as now, at the discretion of an under-sheriff, to be put on or off. And that such grand jurymen for their respective counties may, at each assize, present the names of persons to be made justices of peace, from time to time, as the country hath need for any to be added to the commission; and at the summer assize to present the names of three persons, out of whom the king may prick one to be sheriff for the next year.*"

This most masterly evidence of statesmanlike genius stipulates next, that the king's power over the militia be subject to the advice of parliament, and a council for ten years; that the disqualifications for civil privilege, and compositions for estates incurred by delinquents, (adherents to the royal standard,) should be settled by a mitigated scale of remarkable moderation and magnanimity; and that for the liberty, security, happiness, and peace, of the kingdom, there should be passed acts, respectively, of confirmation, indemnity, and oblivion. Then came the following noble conditions:—

"An act to be passed to take away all coercive power, authority, and jurisdiction, of bishops, and all other ecclesiastical officers whatsoever, extending to any civil penalties upon any; and to repeal all laws, whereby the civil magistracy hath been, or is bound, upon any ecclesiastical censure, to proceed, *ex officio*, unto any civil penalties against any persons so censured.

"That there be a repeal of all acts or clauses in any act, enjoining the use of the book of common prayer, and imposing any penalties for neglect thereof; as also of all acts, or clauses in any act, imposing any penalty for not coming to church, or for meetings elsewhere for prayer

or other religious duties, exercises or ordinances; *and some other provision to be made for discovering of papists and popish recusants, and for disabling of them, and of all jesuits or priests, from disturbing the state.*"

In other words, that tests, and penalties, and obligations of force upon the conscience, were not the means. It is a pity that this valuable discovery in morals and in legislation is so grievously wanting of universal application, even now. The next propositions are these:—

"That the taking of the covenant be not enforced upon any, nor any penalties imposed upon the refusers, whereby men might be constrained to take it against their judgments or consciences; but all orders or ordinances tending to that purpose to be repealed.

"That (the things here before proposed being provided for settling and securing the rights, liberties, peace, and safety of the kingdom), his majesty's person, his queen, and royal issue, may be restored to a condition of safety, honour and freedom, in this nation; without diminution to their personal rights, or further limitation to the exercise of the legal power, than according to the particulars aforegoing."

A supplement of residuary matters followed, which, it was desired, no time should be lost by the parliament in dispatch of, since they would tend, "in a special manner, to the welfare, ease, and just satisfaction of the kingdom." Some of these are striking to the last degree in their application to the present day, to its wants and claims. They begin by demanding, "That the just and necessary liberty of the people to represent their grievances and desires, by way of petition, may be cleared and vindicated," and that, "in pursuance of the same, the common grievances of the people may be speedily considered of, and effectually addressed." Several are thus particularised, and the majority of them still wait redress! They ask, for instance, that "*the excise may be taken off from such commodities whereon the poor people of the land do ordinarily live, and a certain time to be limited for taking off the whole.*" They demand that

“ the oppressions and encroachments of forest laws may be prevented for the future,” and that “ *all monopolies, old or new, and restraints to the freedom of trade, be taken off.*” They stipulate next that “ a course may be taken, and commissioners appointed, to remedy and rectify the inequality of rates, being upon several counties, and several parts of each county, in respect of others ; and to settle the proportions for land rates to more equality throughout the kingdom ; in order to which we shall offer some further particulars, which we hope may be useful.” And they require, in words of sad and significant import at this time, that “ *the present unequal, troublesome, and contentious way of ministers’ maintenance by tithes be considered of, and some remedy applied.*” They proceed to claim, afterwards, that simple reform of the law in ordinary processes, which is wanted still, in asking that “ the rules and course of law, and the officers of it, may be so reduced and reformed, as that all suits and questions of right may be more clear and certain in the issues, and not so tedious nor chargeable in the proceedings as now : in order to which we shall offer some further particulars hereafter.”

I transcribe the demand which follows with a mingled feeling of astonishment, of regret, and shame. What miseries—miseries more frightful because hidden from the universal gaze, and borne in secrecy and silence—have since flowed from the injustice for which this demand suggested a simple and effectual remedy—that very remedy which is at this moment, with a melancholy and almost hopeless earnestness, prayed for by the thousands of heart-broken men who are the last victims to that accursed principle of the infamy of poverty which is here condemned by the statesmen of the seventeenth century, and which, with the passage of two hundred years, has not yet ceased its disgrace and reproach to the English character and name. They require “ that prisoners for debt; or other debtors, who have estates to discharge them, may not, by embracing imprisonment or any other ways, have advantage to defraud their creditors:

but that the estates of all men may be some way made liable to their debts (as well as tradesmen are by commissions of bankrupt), whether they be imprisoned for it or not. And that *such prisoners for debt, who have not wherewith to pay, or at least do yield up what they have to their creditors, may be freed from imprisonment, or some way provided for, so as neither they nor their families may perish by their imprisonments.*" The stipulations which succeed are dictated by the same noble spirit of justice and humanity. "Some provisions to be made, that none may be compelled, by penalties or otherwise, to answer unto questions tending to the accusing of themselves or their nearest relations, in criminal causes, and no man's life to be taken away under two witnesses. That consideration may be had of all statutes, and the laws and customs of corporations, imposing any oaths; either to repeal, or else to qualify and provide against the same, so far as they may extend or be construed to the molestation or ensnaring of religious and peaceable people, merely for nonconformity in religion."

Such were the views and sentiments, and such the genius for government, of the men who now (to resume the narrative), upon another temporary ascendancy of the presbyterians after the vote of non-addresses—upon seeing the former solemn resolution of the house mocked by the commencement of another personal treaty with the king—upon a melancholy conviction of the absolute insincerity and inveterate perfidy of Charles's friends—prepared themselves for the last decisive steps that should overthrow the English monarchy. Fairfax and his officers in a body presented a remonstrance to the house, calling for the immediate breaking up of the treaty, and *for justice on the king* as the "capital source of all grievances."* At about the same instant they seized once more the person of the king, and "colonel Harry Martin," Rushworth tells us†, "went hence to lieutenant-general Cromwell." He left London suddenly

* Rushworth, vii. 1331. Parl. Hist. xvi.

† Vol. vii. 1265.

and joined that leader, still engaged against the Scots. His purpose no doubt was to consult with him respecting the menacing attitude taken by the presbyterians. After some days' absence he returned to London, as suddenly as he had quitted it.

The presbyterians had been warding off the army remonstrance by successive adjournments. The remonstrance was now followed up by the more startling announcement of the resolve of the army "to purge the house," since by that means only they could stop the treaty. The presbyterians, plucking up an unwonted courage on the eve of their last defeat, at once determined, by a division of 133 to 102, to go into discussion of the treaty. In this discussion Vane was defeated on his famous motion for a return to the vote of non-addresses, after a speech in which he stated the question openly as between a monarchy and a republic, by a division of 140 to 104. There had been, according to Prynne, upwards of 340 members present during this discussion; but many, from age and infirmity, had been unequal to the fatigue of sitting through the whole day and night till nine next morning, the period of the duration of the adjourned debate.

Next morning (the army having advanced meanwhile from Windsor upon London) the city guard was withdrawn from Westminster by its commander Skippen, and the posts were occupied by three regiments under the command of sir Hardress Waller, colonel Hewson, and colonel Pride. The latter officer, with a list in his hand, took his station at the door of the house of commons, and, as the members entered and were identified by the doorkeeper and lord Grey of Groby who stood near Pride for the purpose, arrested in succession, and during a period of three days, the presbyterian majority, in all, upwards of a hundred and fifty members, several of whom were afterwards unconditionally restored. The little that need be urged respecting this measure has been glanced at in the life of Vane. That great statesman at once withdrew from a scene in which such an outrage on the

foundation of all that had been done for the past seven years of war, and of all that he yet hoped to do for the people,—a popular and representative body,—had become fatally necessary in the views of those with whom he had heretofore acted. It is probable he at once saw the mischievous purposes such a precedent might suggest in the breast of Cromwell; a thought which does not seem to have yet occurred to any of the other trusted leaders of the independents. Marten's faith in Cromwell was certainly still undisturbed.

Cromwell arrived in London the second day after the purge; and it was Henry Marten, who, having entered the house of commons with him that day, "arm in arm," afterwards rose from his place and moved that the speaker should return him thanks for his great and eminent services performed in the course of the campaign.* This was done with acclamation; and the day after, the two houses adjourned to the twelfth of the then month, December, 1648-9.

Several meetings of the council of the army took place in the interval of this adjournment, at which the treatment of the king was of course warmly debated. "At this consultation of the first commanders in the army," says a royalist writer, "Marten, as a colonel, attended, and he cut the matter short, by telling them 'they should serve his majesty as the English did his Scotch grandmother, cut off his head.' This horrid advice was adopted, and he was the first to dispose of every thing for the completion of the villainy." This must be taken with allowance; but it may be admitted that he was the first to utter openly, at this great crisis, as he had done on occasions less important, the thoughts that lay lurking in the breasts of the majority of his associates.

The first step against the life of the king attempted in the house of commons, was taken on the 23rd of December, when, in the discussion of one of the propo-

* Wood's Eth. Ox. lib. 1239. Journals. Clement Walker, 54.

sals of the army that "justice should be done upon delinquents," Charles the first was mentioned by name as the capital delinquent, and a committee of thirty-eight appointed to prepare charges against him. The most prominent members of this committee were Henry Marten and Thomas Scot, the latter a man of genius and courage, variously accomplished, a masterly orator, and an ardent republican. Widdrington and Whitelock, the keepers of the seal, were also on the committee, but on being sent for on the second or third day of its deliberations they "went out of town together, that they might have no concern in the business."*

Another anecdote of Marten's share in these deliberations rests also on royalist authority. A witness (Sir Purbeck Temple) swore against him on his trial, that he overheard from a place of concealment one of the consultations previous to the king's trial, at which Cromwell and Marten and many others were present, in the course of which much doubt and anxiety were expressed; and he overheard Cromwell ask the others, "I desire you to let us resolve here what answer we shall give the king, when he comes before us: for the first question that he will ask us will be, by what authority and commission do we try him?" to which none answered presently; then after a little space, Henry Marten, the prisoner at the bar, rose up and said, 'In the name of the commons and parliament assembled, and all the good people of England,' which none contradicted."

Charles had meanwhile arrived at Windsor, and on the 28th received an ominous order from the council of war that he should no longer be served by cup-bearer or carver on bended knee, and that the other ceremonies of regal state had been ordered to be discontinued. The end was now in view, and Charles prepared to meet it with becoming firmness. The last scene of all, once bounded with hopelessness, is no longer a difficult

* Whitelock, Journal of 26th of December.

scene to act — and from this instant, in the heroic sufferings of the man, we are only too much inclined to forget the part he had played as king. “Is there any thing more contemptible,” he asked of his faithful Herbert, “than a despised prince?” But over that character he threw a pathetic lustre, which we seek for in vain throughout his high and palmy days.

On the same ominous 28th of December, an ordinance for the king’s trial was carried into the house of commons. Some days before, Marten, Ireton, and Ludlow, had been added to the committee of executive government at Derby House, and measures were now in progress there for the alteration of all the insignia of government into symbols of a republic.

On the first of January, the committee of thirty-eight, having sat and examined witnesses, reported to the house of commons a charge against the king, beginning with the terrible words. “That the said Charles Stuart, being admitted king of England, and therein trusted with a limited power to govern by and according to the laws of the land, and not otherwise; and, by his trust, oath, and office, being obliged to use the power committed to him for the good and benefit of the people, and for the preservation of their rights and liberties; yet, nevertheless, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power, to rule according to his will, and to overthrow the rights and liberties of the people; yea, to take away and make void the foundations thereof, and of all redress and remedy of misgovernment, which, by the fundamental constitutions of this kingdom, were reserved, on the people’s behalf, in the right and power of frequent and successive parliaments, or national meetings in council: He, the said Charles Stuart, for accomplishing of such his designs, and for the protecting of himself and his adherents in his and their wicked practices, to the same ends, hath traitorously and maliciously levied war against the present parliament, and the people therein represented.” In support of this, various overt acts are

recited, including the battles of Edgehill, Newbury, and Naseby.

The ordinance and the charge were sent up to the lords on the second of January (with a resolution from the commons that it is treason for the king to levy war against the parliament and kingdom) and at once unanimously rejected. It is curious, however, that their lordships at the same "adjourned for a week," which, in the circumstances of the country, was tantamount to a declaration that they would take no further part in the conduct of its affairs. In the light of an abdication the commons certainly seem to have considered it; for on the third of January Marten went up to "examine the journal-book of the house of peers, to see how the business stood as to the resolution and ordinance." On his return, the ordinance was at once directed to be brought in anew; six lords and three judges before named were ordered to be omitted, and an addition made of two serjeants, Bradshaw and Nicholas. The ordinance with these alterations was immediately read a first and second time, and the resolution revoted of treason against the king in the name of the commons only, it having before been voted with a blank for the lords. On the day following this, they passed, with closed doors, these three momentous resolutions: "That the commons of England, in parliament assembled, do declare, That the people are, under God, the original of all just power. And do also declare, That the commons of England, in parliament assembled, being chosen by representing the people, have the supreme power in this nation. And do also declare, That whatsoever is enacted or declared for law by the commons in parliament assembled, hath the force of a law; and all the people of this nation are concluded thereby, although the consent and concurrence of king or house of peers be not had thereunto."

On the sixth, the ordinance was read a third time and passed. The number of commissioners named in it was a hundred and thirty-five. * Of these there were vis-

* In the original ordinance the names are said to have been one hundred

count Lisle, son to the earl of Leicester; lord Grey of Groby, son to the earl of Stamford; lord Monson of the kingdom of Ireland; general lord viscount Fairfax; lieutenant-general Cromwell, major-general Skippon, commissary-general Ireton, colonel Marten, and all the colonels of the army; with three serjeants-at-law, John Bradshaw, Robert Nicholas and Francis Thorpe; the speaker of the house of commons and five barristers, Alexander Rigby, Roger Hill, Miles Corbet, John Lisle, and William Say; five aldermen of London; one knight of the Bath; eleven baronets and ten knights. Of these commissioners eighty-two were members of the house of commons.* The only great name of the time absent from the list, was the name of sir Henry Vane the younger.†

On the eighth of January, the commissioners sat for the first time in the painted chamber in Westminster

and fifty. If from this number we take away nine, and then add two, the result ought to be one hundred and forty-three. There were, therefore, other omissions and variations.

* Of these 135, seventy-one was the largest number ever present at the trial. Sixty-seven were present on the day when sentence was pronounced. Forty-three only appeared the next day, when the execution was ordered. Fifty-nine signed the death-warrant. Some few of the commissioners attended the preliminary meetings in the painted chamber, but never sat as judges. From forty to fifty of the commissioners appear never to have taken any part in the proceedings, notwithstanding the summonses ordered by the court, and the exertions of the serjeant-at-arms.

† The name of Algernon Sidney appears in it, but he only attended the preliminary meetings in the painted chamber, and never attended the court after the trial commenced. His own allusion to the trial remains, and he is too distinguished a person to have his opinion omitted on an occasion so memorable. He says, "I was at Penshurst, when the act for the king's trial passed, and, coming up to town, I heard that my name was put in. I presently went to the painted chamber, where those who were nominated for judges were assembled. A debate was raised, and I positively opposed the proceeding. Cromwell using these formal words, 'I tell you, we will cut of his head with the crown on it,' I replied, 'You may take your own course, I cannot stop you; but I will keep myself clean from having any hand in this business.' And, saying thus, I immediately left them, and never returned. This is all that passed publicly. I had indeed an intention, which is not very fit for a letter." Blencowe, p. 237. — It is not perhaps difficult to fix what this intention was. Clarendon says, that, among the more violent party against the king, there were three opinions; one was for deposing him, another for secret assassination, and a third for bringing him to public trial as a malefactor. It was the last of these opinions that Sidney states himself to have opposed. The mode of secret assassination we well know to have been most alien to his nature. There cannot be a question but that, with Vane, he would have preferred the deposition of Charles.

Hall. Fifty-three were present, including Fairfax, who never appeared again. Counsel and the officers of the court were nominated at this sitting; due proclamation was made in Westminster Hall by the serjeant-at-arms of the coming trial; and a similar proclamation was demanded of the house of commons to be made at the old Exchange and in Cheapside, which was made accordingly.

On the ninth of January, the report of the committee for the construction of a new great seal was carried into the house of commons by Henry Marten.* It recommended that on the one side there should be engraved the map of England and Ireland, with the inscription, "the Great Seal of England," and on the other, a representation of the house of commons with the inscription, "In the first year of freedom, by God's blessing RESTORED." The instructions of the committee were at once adopted, and the new seal ordered to be prepared with all convenient dispatch.†

Marten used on another and more memorable occa-

* "To Mr. H. Marten," says one of the royalist writers, "was referred all the alterations in the public arms, in the great seal, and the legends upon the money. It was singular that the cross made a part of the first. Upon the money was a shield, bearing the cross of St. George, encircled with a palm and olive branch inscribed, 'The commonwealth of England;' and on the reverse, 'God with us, 1648,' which gave occasion to some to remark that God and the commonwealth were not on the same side."

† In Whitelocke's Memorials, the vote is thus recorded:—"Votes that the present great seal shall be broken, and a new one forthwith made; and in the mean time, all proceedings under the present great seal to be good, till the new one be confirmed. That the armes of England, and of Ireland, shall be engraven on one side of the new great seal, with this inscription, 'the Great Seal of England.' That on the other side of the seal shall be the sculpture, or map of the house of commons sitting, with these words engraven on that side; 'In the first year of freedom, by God's blessing restored 1648.' This was for the most part," adds Whitelocke, "the fancy of Mr. Henry Martin, a noted member of the house of commons, more particularly the inscriptions." It is perhaps worth adding that on the very day of these votes, Whitelocke and Widdrington, by mutual agreements, made their appearance in the house, that they might not by inference, be included among the members who refused all concern with the present government. Whitelocke, in a very curious, and certainly ingenuous, passage of his memorials, remarks:—"January 12, we heard demurrers, forenoon and afternoon, in the queen's court: *the counsel were more peremptory and unsatisfied than ordinary, and used us like declining officers.*" The next day, he says: "Some told us for news, that new commissioners of the great seal were to be appointed, serjeants Bradshaw, Thorpe, and Nicholas. This was supposed to be discourse only, as some would have it."

sion this word of remarkable import — RESTORED. Mr. D'Israeli has related the anecdote in his ingenious memorials of Charles the First*, and I subjoin it in his words. "In drawing up the remonstrances of the army, which changed the monarchy into a commonwealth, this Sheridan of his day had said, 'RESTORED to its ancient government of commonwealth.' A member rose to reprimand, and to wonder at, the impudence of Harry Marten, asserting the antiquity of commonwealth, of which he had never before heard. The wit rejoined by a whimsical illustration of the propriety of the term, and the peculiar condition of the man who had now heard it for the first time. 'There was,' said Harry, 'a text which had often troubled his spirit concerning the man who was blind from his mother's womb, but at length whose sight was *restored* to the sight *which he should have had*.' The witticism was keen, though almost as abstruse as the antiquity of an English commonwealth." This illustration was keen indeed, and by no means so abstruse as Mr. D'Israeli supposes.

On the 10th the commissioners again met, and chose the president of their court in the person of John Bradshaw, serjeant-at-law and chief justice of Chester. To preside on so extraordinary an occasion, it is most justly observed,† demanded from the man who was appointed to the office great courage, great presence of mind, sound judgment, a composed and impressive carriage, and a character unstained with reproach or the imputation of any vice. And such a man was Bradshaw. "Being of a distinguished family," says Milton, in his *Defensio secunda pro populo Anglicano*,‡ "he devoted

* Vol. v. 428.

† Godwin, Hist. of Com.

‡ Milton was Bradshaw's kinsman by the mother's side. The whole of the original passage in which Bradshaw is delineated, is too noble, and too appropriate, for omission here. "Est Joannes Bradscianus, (quod nomen libertas ipsa, quacunq; gentium colitur, memorie sempiternæ celebrandum commendavit), nobili familia, ut satis notum est, ortus; unde patriis legibus addiscendis, primam omnem ætatem sedulo impendit; dein consultissimus causarum ac disertissimus patronus, libertatis et populi

the early part of his life to the study of the laws of his country. Thence he became an able and an eloquent pleader, and subsequently discharged all the duties of an uncorrupt judge. In temper neither gloomy nor severe, but gentle and placid, he exercised in his own house the rites of hospitality in an exemplary manner, and proved himself on all occasions a faithful and un-failing friend. Ever eager to acknowledge merit, he assisted the deserving to the utmost of his power. Forward at all times to publish the talents and worth of others, he was always silent respecting his own. No one more ready to forgive, he was yet impressive and terrible, when it fell to his lot to pour shame on the enemies of his country. If the cause of the oppressed was to be defended, if the favour or the violence of the great was to be withstood, it was impossible in that case to find an advocate more intrepid or more eloquent,

vindex acerrimus, et magnis reipublicæ negotiis est adhibitus, et incorrupti iudicis munere aliquoties perfunctus. Tandem uti regis iudicio præsidere vellet, a senatu rogatus, provinciam sane periculosissimam non recusavit. Attulerat enim ad legum scientiam ingenium liberale, animum excelsum, mores integros ac nemini obnoxios; unde illud munus omni prope exemplo majus ac formidabilius, tot sicariorum pugionibus ac minis petitus, ita constanter, ita graviter, tanta animi cum præsentia ac dignitate gessit atque implevit, ut ad hoc ipsum opus, quod jam olim Deus edendum in hoc populo mirabili providentia decreverat, ab ipso numine designatus atque factus videretur, et tyrannicidarum omnium gloriam tantum superaverit, quanto est humanius, quanto justius, ac majestate plenius, tyrannum judicare, quam injudicatum occidere. Alioqui nec tristis, nec severus, sed comis ac placidus, personam tamen quam suscepit tantam, æqualis ubique sibi, ac veluti consul non unius anni, pari gravitate sustinet: ut non de tribunali tantum, sed per omnem vitam judicare regem diceret. In consiliis ac laboribus publicis maxime omnium indefessus, multisque par unus; domi, si quis alius, pro suis facultatibus hospitalis ac splendidus, amicus longe fidelissimus, atque in omni fortunâ certissimus, bene merentes quoscunque nemo citius aut libentius agnoscit, neque majore benevolentia prosequitur; nunc pios, nunc doctos, aut quavis ingenii laude cognitos, nunc militares etiam et fortes viros ad inopiam redactos suis opibus sublevar; iis si non indigent, colit tamen libens atque amplectitur; alienas laudes perpetuò prædicare, suas tacere, solitus; hostium quoque civillum, si quis ad sanitatem rediit, quod experti sunt plurimi, nemo ignoscetior. Quid si causa oppressi cujuspiam defendenda palam, si gratia aut vis potentiorum oppugnanda, si in quenquam bene meritum, ingratitude publica objurganda sit, tum quidem in illo viro, vel facundiam vel constantiam nemo desideret, non patronum, non amicum, vel idoneum magis et intrepidum, vel disertiorum alium quisquam sibi aptet; habet, quem non minæ dimovere recto, non metus aut munera proposito bono atque officio, vultusque ac mentis firmissimo statu dejicere valeant."

whom no threats, no terrors, and no rewards, could seduce from the plain path of rectitude."

The counsel for the prosecution were next fixed upon, and the choice fell on Steele, Coke, doctor Dorislaus, and Aske. Steele was named attorney to the court, and Coke solicitor. Steele being prevented from attending the court by real or pretended sickness the task principally fell upon Coke. It is somewhat singular, as Mr. Godwin remarks, that this person, in his travels in early life, trod almost exactly upon the steps of Milton. At Rome he spoke so openly against the corruptions of the catholic church, that it was not judged safe for him to continue any longer in that place; and at Geneva he resided some months in the house of Diodati, the professor of theology, with whom Milton also formed an intimate friendship. His skill as a lawyer was acknowledged by his enemies; and, indeed, it is impossible to read the speech he drew up for the trial, without admiring its strength and acuteness.

These awful preliminaries having been completed with that solemn publicity which befitted such an occasion, the king was brought privately from Windsor to St. James's, and on the following morning, the 20th of January, 1649, conducted by colonel Harrison from St. James's to Westminster. A scene awaited him there, which called, and not in vain, for an exercise of dignity and firmness unsurpassed in the history of kings.

Westminster Hall, fitted up as a "high court of justice," received him. In the centre of the court, on a crimson velvet chair, sat Bradshaw, dressed in a scarlet robe, and covered by his famous "broad brimmed hat*;" with a desk and velvet cushion before him; Say and Lisle on each side of him; and the two clerks of the court sitting below him at a table, covered with a rich Turkey carpet, on which were laid the sword of state and a mace. The rest of the court, with their hats on, and, according to Rushworth, "in their best habits,"

* This was a thick high-crowned beaver lined with plated steel. It is to this day preserved at Oxford.

took their seats on side benches hung with scarlet. A numerous guard of gentlemen carrying partisans divided themselves on each side. Such was the simple appearance in itself of this memorable court. When its members had all taken their seats, the great gates of the hall were thrown open, and the vast area below was at once filled with crowds of the English people, eager to witness the astonishing spectacle of a monarch brought to account for crimes committed in the period of his delegated authority. This presence of the people was the grandest feature of the scene. Surrounding galleries were also filled with spectators.

Charles entered and advanced up the side of the hall next the Thames, from the house of sir Robert Cotton. He was attended by colonels Tomlinson and Hacker, by thirty-two officers holding partisans, and by his own servants. The serjeant-at-arms, with his mace, received him and conducted him to the bar, where a crimson velvet chair was placed for him, facing the court. After a stern and steadfast gaze on the court, and on the people in the galleries on each side of him, Charles placed himself in the chair — and the moment after, as if recollecting something, rose up, and turned about, looking down the vast hall, first on the guards which were ranged on its left or western side, and then on the cager waving multitude of the people which filled the space on the right. No visible emotion escaped him; but as he turned again, his eye fell upon the escutcheon which bore the newly designed arms of the commonwealth, on each side of which sat Oliver Cromwell and Henry Marten *, and he sank into his seat. The guard attending him divided on each side of the court, and the servants who followed him to the bar stood on the left of their master.

Bradshaw now addressed the king, and told him that the commons of England, assembled in parliament, being deeply sensible of the evils and calamities which had

* D'Israeli, v. 492.

been brought on the nation, and the innocent blood that had been spilled, and having fixed on him as the principal author, had resolved to make inquisition for this blood, and to bring him to trial and judgment; and had therefore constituted this court, before which he was brought to hear his charge, after which the court would proceed according to justice. Coke, then, the solicitor, delivered in, in writing, the charge, which the clerk read. The king endeavoured to interrupt the reading, but the president commanded the clerk to go on, and told Charles, that if he had any thing to say after, the court would hear him. The charge stated, that he, the king, had been intrusted with a limited power to govern according to law; being obliged to use that power for the benefit of the people, and the preservation of their rights and liberties; but that he had designed to erect in himself an unlimited power, and to take away the remedy of misgovernment, reserved in the fundamental constitution, in the right and power of frequent and successive parliaments. It then proceeded to enumerate the principal occasions on which, in execution of his purpose of levying war on the present parliament, he had caused the blood of many thousands of the free people of this nation to be shed: and it affirmed all these purposes and this war to have been carried on, for the upholding a personal interest of will and power, and a pretended prerogative to himself and his family, against the public interest, and common right, liberty, justice, and peace, of the people of this nation. — The charge being read, the president demanded Charles's answer.

During the reading Charles is said to have smiled at the words "tyrant" and "traitor" which occurred in the course of it. But, two or three minutes after, a trivial incident changed the current of his thoughts, and gave him a more awful sense of the situation in which he stood. "In touching Coke gently on the shoulder with his cane, and bidding him 'Hold,' its gold head dropped off; and he, who was accustomed to be served

with eager anticipation and slavish genuflection, was left to take it up himself. This omen is said to have waked his superstition. It was no less calculated to affect him through his reason." *

He had rallied, however, before the demand of Bradshaw for his answer ; and replied to it with great ability, and in a very grave and collected manner. He observed that, not long before, in the Isle of Wight, he had been engaged in a treaty with both houses of parliament, and that the treaty had been very near a conclusion. He knew not, therefore, by what authority he had been brought there, other than the authority of thieves and robbers. He saw no house of lords in that court, and he affirmed that a king also was necessary to constitute a parliament. He said, that he had a trust committed to him by God, and derived to him by old and lawful descent, and that he would not betray it by answering to a new and unlawful authority. He concluded, that, when he was satisfied of the authority by which he was brought there to answer, he would proceed further. Bradshaw at once, and in a speech of much subtlety, over-ruled the objection to the competency of the court, and ordered the counsel to proceed.

The second and third days of the trial were consumed in similar discourses. The court would not allow the authority by which they sat there to be disputed ; and the king desired that he might give his reasons. This produced interruption and altercation. The president informed him, that the court was satisfied of the authority by which they sat there, and that they over-ruled his demurrer. They then caused the king's contumacy to be recorded, by which he refused to plead before them.†

The fourth and fifth days of the trial were employed in hearing witnesses ; the court having determined that,

* History from Mackintosh, vi. 119. ; in which volume, I may add, the principal incidents of the commonwealth are most ably, and in a philosophic spirit and temper, related by the historian.

† Godwin, ii. 673.

though the king refused to plead, they would proceed to this examination, *ex abundanti* only, for the further satisfaction of themselves. The court sat during these days in the Painted Chamber. On the sixth day, the commissioners were engaged in determining and voting the sentence with which the trial was to be completed.

The duty of "preparing the draft of a final sentence, with a blank for the manner of death," was now intrusted to Henry Marten (who had attended every day of the trial), to Thomas Scot, to Henry Ireton, to Harrison, Say, Lisle, and Love. The next day (the 26th of January) this sentence was engrossed at a private meeting, and the 27th appointed for the last sitting of the court.

On that memorable and most melancholy day, the king was brought for the last time to Westminster Hall. As he proceeded along the passages to the court, some of the soldiers and of the rabble set up a cry of "Justice!" "Justice, and execution!" This, Mr. Godwin justly remarks, exactly corresponds with the spirit of the mutiny which took place in the army in November, 1647. These men distrusted the good faith of their leaders; and, seeing that six days had now passed without any conclusion, suspected, as the manner of rude and ignorant men is, that there was some foul play and treachery. One of the soldiers upon guard said, "God bless you, sir." The king thanked him; but his officer struck him with his cane. "The punishment," said Charles, "methinks, exceeds the offence." The king, when he had retired, asked Herbert, who attended him, whether he had heard the cry for justice; who answered, he did, and wondered at it. "So did not I," said Charles: "the cry was no doubt given by their officers, for whom the soldiers would do the like, were there occasion." *

* Other and more brutal outrages—such as the soldiers puffing the smoke of their tobacco in his face, have been repeated and reiterated in print, and are yet gross fabrications.—(See Brodie, iv. 199. note.) Clarendon and Warwick say that one or more of the soldiers spit in Charles's face. But both Clarendon and Warwick were at a distance from the scene; Herbert, who was constantly near the king, says no such thing. Whitlocke also, an unexceptionable witness, is silent. In Rushworth,

Placed for the last time at the bar, Charles, without waiting for the address of Bradshaw, whose appearance betokened judgment, desired of the court, that, before an "ugly sentence" was pronounced upon him, he might be heard *before the two houses of parliament*, he having something to suggest which nearly concerned the peace and liberty of the kingdom. The court would at once have rejected this proposal, (which was in effect tantamount to a demand for the reversal of all that had been done, and a revocation of the vote that had been passed, declaring the people, under God, the original of all just power, and that the commons house in parliament, as representing the people, were the supreme power,) but for the expressed dissatisfaction of commissioner Downes, a timid and insincere man, in consequence of which the sitting was broken up, and the court retired to deliberate in private. They returned in half an hour, with an unanimous refusal of the request.

It is supposed by many writers, that Charles purposed, in case they had assented, to resign the crown in favour of his son. But if so, it has been fairly asked *, Why did he not make the offer known in some other way? It would have produced its effect as certainly if promulgated in any other mode, and would at all events have bequeathed to posterity the full knowledge "to what extremity he was willing to advance for the welfare of his people, and to save his country from the stain of regicide." The supposition of that intention does scarcely, in fact, seem probable. Charles had wedded himself to his kingly office, and had now accustomed himself to

p. 1425, we find the words put into Charles's mouth, on the cry of the soldiers, "Poor souls! for a piece of money they would do as much for their commanders." But it is not denied that several of the latter parts of Rushworth's Collections were tampered with after his death, and before their publication. The words in question are, in fact, copied from Sanderson, p. 1132. Milton (*Defensio Secunda*) has given himself the trouble to contradict the tale, that one of the soldiers was destroyed for saying, God bless you, sir. The passion of succeeding times was to run a parallel between the last days of Charles, and the crucifixion of Christ. "Suffering many things like to Christ," is Sanderson's expression.

* Godwin, Hist. of Commonwealth, ii. 677.

look on death as the seal that should stamp their union and the fame of martyrdom, indelibly and for ever. His real purpose in making the request must remain a secret, equally with the well considered motives of the commissioners in refusing it.

Bradshaw now rose to pronounce the sentence. "What sentence," he said, "the law affirms to a tyrant, traitor, and public enemy, that sentence you are now to hear read unto you, and that is the sentence of the court." The clerk then read it at large from a scroll of vellum. After reciting the appointment and purpose of the high court, the refusal of the king to acknowledge it, and the charges proved upon him, it concluded thus: "for all which treasons and crimes, this court doth adjudge that he the said Charles Stuart, as a tyrant, traitor, murderer, and public enemy, shall be put to death by severing his head from his body." Then Bradshaw again rose and said, "The sentence now read and published is the act, sentence, judgment, and resolution of the whole court;" upon which, all the commissioners stood up by way of declaring their assent. The unhappy king now solicited permission to speak, but was refused. The words which passed between him and Bradshaw are worthy of record, as a most pathetic consummation of the melancholy scene. The fortitude and dignity which had sustained Charles throughout, appears at last to have somewhat given way; but in its place we recognise a human suffering and agony of heart to the last degree affecting. "Will you hear me a word, sir?" he asked. "Sir," replied Bradshaw, "you are not to be heard after the sentence." "No, sir?" exclaimed the king. "No, sir, by your favour," retorted the president. "Guards, withdraw your prisoner." Charles then exclaimed, with a touching struggle of deep emotion, "I may speak after the sentence! By your favour, sir!—I may speak after the sentence!—EVER!—By your favour——" A stern monosyllable from Bradshaw interrupted him,— "Hold!" and signs were given to the guards. With passionate entreaty the king again interfered. "The

sentence, sir ! I say, sir, I do——” Again Bradshaw said “ Hold !” and the king was taken out of court as these words broke from him——“ I am not suffered to speak. Expect what justice other people will have !”

In the short interval that remained to him, every consolation of spiritual advisers, or of the society of friends, was granted by the governors of the commonwealth. He passed the 28th of January, which was Sunday, alone with doctor Juxon, engaged in exercises of devotion. On the Monday he received the farewell visit of his children. At this moment he might himself have said, with his old and betrayed friend Strafford, “ Put not your trust in princes !” None of the princes of Europe had offered an intercession in his favour. A republic alone, that of the United Provinces, interposed with a desire that his life might be spared.*

The warrant for his execution, the “ bloody warrant,” as history calls it, had meanwhile (on the 29th) been signed by the fifty-nine commissioners, who have by that act made their names memorable for ever.†

* Journals of Lords, Jan. 29. and Feb. 2. ; of Commons, Jan. 29, 30.

† It was in those words :—“ Whereas Charles Stuart, king of England, is and standeth convicted, attainted, and condemned of high treason and other high crimes ; and sentence upon Saturday last was pronounced against him by this court, to be put to death by the severing of his head from his body ; of which sentence execution yet remaineth to be done. These are, therefore, to will and require you to see the said sentence executed in the open street, before Whitehall, upon the morrow, being the 30th day of this instant month of January, between the hours of ten in the morning and five in the afternoon of the same day, with full effect. And for so doing this shall be your sufficient warrant. And these are to require all officers, soldiers, and others, the good people of this nation of England, to be assisting unto you in this service.

“ To col. Francis Hacker,
col. Huncks, and
lieut.-col. Phray ;
and to every of them.

“ Given under our hands and seal.

(Sealed and subscribed by)

“ John Bradshaw, Thomas Grey, Oliver Cromwell, Edward Whaley, Michael Livesey, John Okey, John Danvers, John Bourcher, Henry Ireton, Thomas Maleverer, John Blackiston, John Hutchinson, William Goff, Thomas Pride, Peter Temple, Thomas Harrison, John Huson, Henry Smith, Peregrine Pelham, Simon Mayne, Thomas Horton, John Jones, John More, Hardress Waller, Gilbert Millington, George Fleetwood, John Alured, Robert Lilburn, William Say, Anthony Stapely, Richard Deane, Robert Tichburne, Humphrey Edwards, Daniel Blagrove, Owen Roe, William Purefoy, Adrian Scroope, James Temple, Augustine Garland, Edmund Ludlow, Henry Marten, Vincent Potter, William Constable, Richard In-

A scene of an extraordinary character between Marten and Cromwell is said to have occurred on the signing of this warrant. As Cromwell advanced to the table with the pen, he laughingly marked Marten's face with the ink, and the same practical jest was returned with interest by Marten. The anecdote rests on the authority of a detestable collection of slanders, "*The Trials of the Regicides*;" but I give it, because, on its being sworn to at his trial, Marten himself, without denying it, simply remarked that the circumstance did not imply malice. He had been pleading his utter want of malice against the king personally in all he did, when the crown counsel observed, "We shall prove against the prisoner at the bar, (because he would wipe off malice,) that he did this merrily, and was in great sport at the time of the signing the warrant for the king's execution." "That does not imply malice," remarked Marten.

An old servant of his, named Ewer, was upon this put into the witness box, and the following examination took place:—" *Counsel*. Come, sir, you are here upon your oath, speak to my lords and the jury; you know the prisoner at the bar very well, you have sometimes served him; were you present in the Painted Chamber, January 29th, 1648, at the signing the warrant, the parchment, against the king?"—" *Ewer*. The day I do not remember, but I was in that chamber to attend a gentleman there; I followed that gentleman (looking at Mr. Marten), I followed that gentleman into that chamber."—" *Lord chief baron*. After what gentleman?"—" *Ewer*. Mr. Marten. My lord, I was pressing to come near, but I was put off by an officer or soldier there; I told him I was ordered to be by that gentleman. My lord, I did see a pen in Mr. Cromwell's hand, and he marked Mr. Marten in the face with it, and Mr. Marten did the like to him; but I did not see any one set his hand,

Goldsby, William Cawley, John Baratead, Isaac Ewers, John Dixwell, Valentine Walton, Gregory Norton, Thomas Chaloner, Thomas Wogan, John Ven, Gregory Clement, John Downs, Thomas Wayte, Thomas Scot, John Carew, Miles Corbet."—*Rush*. vii. 1426.

the depths of his prison," he found them. Nor should it be forgotten, that all hope of compromise at last was rendered doubly vain by the most consummate insincerity on the part of Charles. "He could never be reconciled; he could never be disarmed; he could never be convinced. His was a war to the death, and therefore had the utmost aggravation that can belong to a war against the liberty of a nation." * Such was the character and conduct of Charles I., and herein the justification of the motives of his judges. What further is to be said on this point, shall be said in this memoir by themselves. What can be better urged for those, who held that a simple deposition of Charles was the wiser course, has been said in the *Life of Vane*.

A distinction, however, has been made by the historian of the commonwealth †, which should not be omitted here. Speaking of the critical complexion of parliamentary proceedings at the time of the king's death, he observes: — "In the beginning of the year the independents had had the superiority; but their authority, so far as depended on the number of votes, hung by a thread. — How long was that state of things likely to continue? By whatever party they were displaced, they well knew that the crime of sitting in judgment on Charles, and signing the warrant for his execution, would be visited with the severest vengeance. ‡ They knew that they held their lives in their hands. When they gave judgment against the king, they at the same time pronounced sentence on themselves. They could not, with any security, calculate on the impunity of eleven years and four months, which they ultimately reaped. But they had engaged in a great cause, and they would not draw back. Their cause might triumph for ever; but

* Godwin, *Hist. of the Com.* ii. 689.

† Mr. Godwin.

‡ Nor was this the only danger. A assassination must have been present to their imaginations, as likely to have been resorted to against them. Dorislaus and Rainsborough were assassinated soon after. (See Brodie, *Brit. Emp.* iv. 264.; and Godwin, iv. 693.)

they could not be so infatuated and so blind, as not to perceive the many probabilities there were that the business would have a different issue. In that case they consented to sacrifice their lives on the altar of their country. But we must not be so unreasonable as to imagine that the judges who sat on the life of the king were all men of heroic resolution. There were certain men among them by whom the business was planned—there were others who had no part in framing the measure, but who willingly devoted themselves in the affair—but there was also a portion of the king's judges, who co-operated from timidity, had no will to the business, but had not the courage to refuse those by whom they were pressed into it."

Upon the whole, the subject may be safely left with the opinion of the greatest statesman of modern times, and a high and unblemished authority on all points of constitutional doctrine. "If," observes Charles James Fox, in his "Fragment of History,"—"if we consider this question of example in a more extended view, and look to the general effect produced upon the minds of men, it cannot be doubted but the opportunity thus given to Charles to display his firmness and piety, *has created more respect for his memory than it could otherwise have obtained.* It has been thought dangerous to the morals of mankind, even in romance, to make us sympathise with characters whose general conduct is blameable; but how much greater must the effect be, when in real history our feelings are interested in favour of a monarch with whom, to say the least, his subjects were obliged to contend in arms for their liberty? After all, however, notwithstanding what the more reasonable part of mankind may think upon this question, it is much to be doubted whether this singular proceeding has not, as much as any other circumstance, *served to raise the character of the English nation in the opinion of Europe in general.* The truth is, that the guilt of the action—that is to say, the taking away of the life of the king—is what most men in the place of Cromwell and his

associates would have incurred ; *what there is of splendour and of magnanimity in it, I mean the publicity and solemnity of the act, is what few would be capable of displaying.*"

The business of the commonwealth was now resumed with quiet and resolved deliberation. On the commons' journals of the day of execution there is a remarkable entry — "*Ordered, That the common post be stayed until to-morrow morning, 10 o'clock,*" — but on the day following, ordinary matters were proceeded with ; and on the 1st of February the house of lords sent a message to the house of commons, desiring a conference on the new settlement. The commons allowed the messengers to wait at the door, without the slightest notice of them or of their message. The patience of the messengers was exhausted, but not that of the lords, who sent again and again, with as little success.* At last the commons took notice of their existence indeed !

On the 6th of February it was moved, in the house of commons, "That the house of peers in parliament is useless, dangerous, and ought to be abolished, and that an act be brought in to that purpose." Upon this Mr. D'Israeli remarks† — "Harry Marten, as reckless in his wit as in his life, with the same tolerant good humour which he had evinced on a former occasion with judge Jenkins, proposed an amendment in favour of the lords, that 'they were useless, but not dangerous.' By this felicitous humour, this commonwealth man had often relieved the royalists in their most critical circumstances." Mr. D'Israeli here falls into an unaccountable error. Marten's amendment was merely as to the *terms* of the motion, and, far from being "in favour" of the lords, is perhaps the most exquisite sarcasm that has ever been levelled against them. His dislike of that house was always, it has been shown, most eagerly manifested, and the present opportunity was not to be resisted. Some graver members having objected, he withdrew the

* History from Mackintosh, vi. 134. † Commentaries, v. 418.

amendment; and, on the subsequent division of forty-four to twenty-nine, which took place on the motion for the abolition, was one of the tellers* for the majority against the lords. When the motion passed, their lordships were sitting. It was communicated to them; they heard prayers; disposed of a rectory; adjourned to the next morning as if nothing had happened; and did not sit again till the Restoration.†

A more memorable vote was passed next day:—“That kingship in this nation hath been found by experience to be unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people, and ought therefore to be abolished.” This was followed up by Marten, who proposed that the king’s statues at the Old Royal Exchange and other places should be taken down, and the following inscriptions placed on the several sites:—“*Exit Tyrannus Regum ultimus—Anno libertatis Angliæ restitutæ primo—Anno Domini 1648-9, Jan. 30.*” This was agreed to, and at once done. Two acts in pursuance of the votes were passed; and the house of commons published a declaration of its “late proceedings and settling the government in the way of a free state,” which was widely circulated in the English, Latin, French, and Dutch languages.

In all these proceedings Marten was the most prominent actor. He now introduced a bill for the sale of the royal property in lands and houses, of those trappings of royalty which are called the regalia, of the king’s furniture, jewels, paintings, and other works of art.‡ The courts of France, Spain, the Spanish Netherlands, and Sweden, were the chief purchasers. The indifference with which they looked on whilst Charles was tried and executed, has been contrasted reproachfully, and not unjustly, by royalists, with their avidity to possess his spoils.§ And now the 9th of February

* Journals. Lord Grey of Groby was the other teller; and, for the minority, the tellers were colonels Purefoy and Sydenham.

† History from Mackintosh, vi. 134.

‡ Whitlocke, p. 403.

§ History from Mackintosh, vi. 135.

was the first day of term, or sitting in the courts of law; and this circumstance rendered it necessary that certain preliminary steps should immediately be taken. In these Marten also took active part. Of the twelve judges, — the two chief justices, the chief baron, with Jermyn for the king's bench, Pheasant for the common pleas, and Gates for the exchequer, signified their willingness to continue in the exercise of their offices, provided the house of commons passed a declaration that they were resolved to maintain the fundamental laws of the nation, and passed an act for repealing the oaths of allegiance and supremacy. This was accordingly done without delay. One of the acts was introduced by Marten. An oath well and truly to serve the parliament and people was then substituted; and, the name of King's Bench being taken away, that of Upper Bench was substituted in its place. The other six judges declined taking commissions under the commonwealth. The great seal was at the same time brought into the house and broken in pieces: and a new seal being ready, and Widdrington declining to continue in office, it was intrusted to Whitlocke, serjeant Richard Keble, and John Lisle. At the same time the office of commissioner was rendered more important and honourable, by its being enacted that it should thenceforth be held, by the tenure, *quamdiu se bene gesserint*.*

The most important change remained to be made, — the substitution of an executive council of state, for the committee of government at Derby house. To this end, five members of the house of commons were appointed as a committee to select the names of forty persons fit to compose this council, whose power was to continue for one year. The five persons were, John Lisle, Cornelius Holland, Luke Robinson, Thomas Scot, and Edmund Ludlow; and it has been remarked very truly, that their appointment was an instance of "remarkable delicacy," since certainly none of them had yet been habitually concerned in the conduct of

* Journals, Feb. 8. and 9.

public affairs, though two of them, Scot and Ludlow, were known for their integrity, their great devotion to the public welfare, and the ardour of their republican sentiments.

On the 17th of February the council of state was installed. Henry Marten took his seat in it with Cromwell, Bradshaw, and Ludlow. Vane's subsequent adhesion has been described. Most truly does Mr. Godwin exclaim — "Never did any governors enter upon their functions under more formidable difficulties, than the men who now undertook to steer and direct the vessel of the new commonwealth. They were, in a certain sense, a handful of men, with the whole people of England against them.* Their hold on the community was, — by their religious sentiments (those of the independents), by the rooted aversion of many to the late king and his family, by the sincere terror that was felt of the ascendancy either of the episcopal or presbyterian party, and the devout adherence of a respectable set of men to the principle of religious toleration. The character also of the leaders did wonders. Scarcely has there existed a body of more eminent statesmen than Cromwell, Ireton, Bradshaw, Marten, and Vane." On the 10th of March the council, which had theretofore had a different præses for each day of sitting, appointed Bradshaw their official president; and, three days later, Milton, Bradshaw's kinsman, was made secretary to the council for foreign tongues—an office held by Weckerlin under the committee of both kingdoms.

One of their first steps was to settle the religious government, which was not left to wild theories, or merely loose and voluntary arrangement. The presbyterian form was maintained, but stripped of all coercive power and temporal pretensions; in short, restricted to conferring licences and ordination. A provision was made out of the tithes for the episcopalian clergy, and

* This must not be understood literally. The people had trusted them in all their struggles against the king, but for the experiment of a republic, now about to be tried, they were merely unprepared.

there was a decided relaxation even towards catholics. During the debates on these important matters, Henry Marten signalled himself by the first expression of opinions which should be remembered to his lasting honour. He proposed the repeal of the statute of banishment against the Jews.* That community had been banished from England in the year 1290; and from that time no body of Jews, formed into a community, could be found within our dominions. Now, after the lapse of three hundred and fifty-nine years, it was Henry Marten who proposed, in a noble spirit of justice, to put an end to this proscription. He was unsuccessful, and the reform was left for Cromwell to achieve in his day of absolute power. But the eloquent praise which Mr. Godwin bestows upon Cromwell for the act, should have been written of Marten. "It was an enterprise worthy of his character. His comprehensive mind enabled him to take in all its recommendations and all its advantages. The liberality of his disposition, and his avowed attachment to the cause of toleration, rendered it an adventure becoming him to achieve. As a man, he held that no human being should be procribed among his fellow men for the accident of his birth. As a christian, who looked forward in the faith of prophecy for the conversion of these our elder brethren in the rejection of polytheism, he knew that kind treatment and impartial justice supplied our best instrument for subduing their prejudices. And as a statesman, he was aware how useful the Jews might be made to the nation, as the medium of commerce, and to the government, as the means of correspondence, the communicators of valuable information, and the divulgers of secrets with which it might be important for them to be acquainted."

It has been with some justice reproached to these great founders and fathers of the commonwealth, that they failed at this time, with all the power in their hands, to reform the representation, the municipal institutions, and the law, according to the admirable outline

* Wood's Ath. Oxon. iii. 1239.

given in the "Declaration of the Army," and the "Agreement of the People," — and to make this the basis of the new settlement. The matter has been discussed in the life of Vane. The only answer to the reproach is, that to have dissolved parliament at this crisis would have been to expose the nation, very possibly, to the return of kingship with its power and passions, and possibly with the bigot vengeance of the presbyterians in its train. The new rulers however recruited the house by relaxation in favour of excluded and retired members, and by new writs to fill up vacancies.*

The difficulties which beset the young commonwealth in relation to that question of a dissolution of the parliament were great indeed. In justice to the leading statesmen of the time they should never be lost sight of. "The government of the country" Mr. Godwin truly says, "was at this time in a very artificial and unnatural condition. The existing power and organisation rested in three bodies of men. The council of war, who had purged the parliament on the sixth of December; the parliament, or house of commons, such as it remained after that reduction of its numbers; and the council of state, which had been appointed by the mutual understanding and concord of the other two. These three bodies of men were in perfect harmony: the majority of the house of commons, since the event of the sixth of December, had espoused and approved the ideas of the council of war; and the council of state, which was in reality a selection of the ablest and fittest members from the other two, was employed, with assiduity, sagacity and energy, in carrying on the executive government in a way corresponding with the designs and conceptions of their creators. The whole of these, in their authority over the nation, and they retained for the present the acquiescence or submission of the great body of the people, hung by a single thread. The council of war and of state were arbitrary combinations

* History from Macintosh, vi. 137.

of men: but the parliament had been chosen by the people. It is true, they were reduced by the compulsory absence of many of their members, and by other circumstances, to a small number, and were styled by Lilburne and other audacious and inconsiderate men, a mock parliament. Still they bore the magic name—a parliament: the laws of England, by old prescription, were accustomed to emanate from the parliament of England. Constituted as they were, they could not be despised. The abilities of Cromwell, Ireton, and Vane, countenanced by the virtues of Fairfax, Ludlow, Bradshaw, and Scot, necessarily commanded respect. They had in their service the professional talents of Whitelocke, St. John, Rolle, and the gallant Blake. They were recommended to public favour by the wit of Marten, and the literature of Milton. They included in their council the earls of Pembroke, Salisbury, Denbigh, and Mulgrave, with viscount Lisle, son of the earl of Leicester, and brother to Algernon Sidney. Such were the present house of commons; such the present administrative government.”

The best argument used for the retention of this government undisturbed for the present, was, however, afterwards used in a debate upon the subject in the house of commons, by Henry Marten himself, in a happy and apposite simile. He told the house, “ That he thought they might find the best advice from the Scripture, what they were to do in this particular: that when Moses was found upon the river, and brought to Pharaoh’s daughter, she took care that the mother might be found out, to whose care he might be committed to be nursed; which succeeded very happily.” Applying this, he observed, “ Their commonwealth was yet an infant, of a weak growth, and a very tender constitution; and therefore his opinion was, that nobody could be so fit to nurse it, as the mother who brought it forth; and that they should not think of putting it under any other hands, until it had obtained more years and vigour.” To which he added, “ That they had another infant too

under their hands, the war with Holland, which had thrived wonderfully under their conduct ; but he much doubted that it would be quickly strangled, if it were taken out of their care who had hitherto governed it.”*

But to describe the course of government and Marten's share in it in further detail, would be to retrace much of the ground already gone over in the memoir of Vane. It will be sufficient to observe upon, and to sketch, a few of the more personal points of his conduct merely.

Soon after the installation of the council of state, the indefatigable and untameable Lilburne began his agitations once more. He promoted dissensions in the army ; abused Cromwell, Fairfax, Marten, and all the leaders ; reanimated the hopes of the levellers ; and, in reward for it all, was shut up once more in the Tower. This had no effect, however ; for, while Cromwell's terrible campaign against the Irish rebellion was spreading slaughter and desolation through that unhappy country, the fearless and brawling John issued from his residence in the Tower all manner of denunciations of the parliament and council of state, as a “ company of pickpockets,” “ thieves,” “ robbers,” “ murderers,” and “ brother beasts of Nebuchadnezzar the tyrant ;” challenged them to a debate by two champions on each side, and an umpire, upon the issue of which he staked his life ; and declared that if his challenge were not accepted within five days, he should hold himself free “ to anatomise them publicly and privately.” Proceedings were again instituted against him, but after they had advanced a little, the audacity and obstinacy even of Lilburne were shaken by domestic troubles, and he longed for a short release from imprisonment. A most eminent tribute is it to the fame of a generous character, that the person at once thought of by the demagogue as likely to procure him this favour was Henry Marten. With wonderful faith in the kind and forgiving temper of a man he had always so heartily abused for having often before be-

* Clarendon, vii. 4, 5.

friended him, Lilburne wrote a letter to Marten, stating that his son had died of the small-pox the day before, and that his wife and two other children were ill, and expressing his desire, under these circumstances, that he might be allowed a few days' liberty to visit them.* The next day Henry Marten moved the house of commons that he should be liberated on security, which was granted. Nor was this all; for, on finding subsequently that Lilburne's property† had been much harassed in the star chamber, and it had left him miserably poor, Marten exerted himself successfully to satisfy him for what was due, by a grant of the dean and chapter's lands, at ten years' purchase.‡

But ever, as it has been shown, Marten was on the humane side, excepting in the one memorable instance, where a sense of duty committed violence on his kinder dispositions. A royalist writer§ relates an occurrence of this time, on the bill having been passed in the house of commons, "to punish the crimes of incest, adultery and fornication, with death; Mr. Henry Marten would not let it be carried, without observing 'that the severity of the punishment by this act being death, would cause these sins to be more frequently committed, because people would be more cautious in committing them for fear of the punishment, and being undiscovered would be emboldened the more in the commitment of them;' and the following year, chiefly by his procurement, it was abrogated."

The losses endured by Marten in the public service, and the absolute pecuniary assistance he had rendered to the popular cause in very critical times, which have been already referred to, were now taken into consideration by the house of commons. Bradshaw's case was considered at the same time. The votes may be related from Mr. Godwin's history. "They resolved to

* Preparative to Hue and Cry, 38.

† Journals.

‡ Just Reproof, 6. Journals of the Commons.

§ Mr. Noble.

settle on Bradshaw lands to the amount of two thousand pounds *per annum*. The act for that purpose was passed on the fifteenth of August. And further to compensate him for the loss of a lucrative profession, it was resolved to bestow on him the office of chancellor of the duchy of Lancaster. It is reasonable to infer from these measures, that neither he or any other member enjoyed any salary in the capacity of councillor of state. Bradshaw, by his office, was in some measure the first man in the nation. He was to receive foreign ambassadors, and to represent in his person upon occasions of public solemnity the executive government of the commonwealth of England. Another distinguished statesman whose case went hand in hand with that of Bradshaw, was Henry Marten. He presented a petition to the parliament, representing the arrears due to him as a colonel in the army, and the losses he had otherwise sustained in the service of the public, as well as the sums of money disbursed by him in that service. It was in consequence resolved that lands to the amount of one thousand pounds *per annum* should be settled on him, and the act to that effect was passed on the same day with the act in favour of Bradshaw. The provision not being found to reach the value proposed, a supplemental act in behalf of Marten was passed the twenty-eighth of September.* Marten's regiment of horse was also established for him.

In the second year of the commonwealth Marten had again been elected into the council of state. At the close of this year he appears to have strongly suspected Cromwell's designs. It was time, indeed, that the more sagacious republicans should have begun to do so. The double conquests of Ireland and of Scotland had now universally established his influence over the nation, and placed temptations within his reach almost irresistible. Marten was the first to throw out open hints of the possible consequence. He used some memorable words in the house of commons to the effect that "If they

* Hist. of Com. iii. 185, 6.

were to be governed by a single person, their last king would have been as proper a gentleman for it as any in England, for he found no fault with his person, but his office only."* On another occasion he vented the same ominous allusion in a sally of humour. Cromwell, in the heat of some debate in the house of commons, called his old friend "Sir Harry Marten"—when, says Aubrey, with infinite gravity "Mr. Henry Marten rises and bows: '*I thank your Majesty!* I always thought when you were king that I should be knighted.'"†

At about the date, too, of these disputes, we find them alluded to in this outrageous way by a royalist newspaper:—"Division in the army grows great; superiority is the thing looked upon, and Cromwell thinks he deserves it best, which Henry Marten is impatient to suffer; and Pryde, stepping between them, makes great words to fly; insomuch that Ruby Nose (Cromwell) drew his dagger in the house on Saturday, and clapping it on the seat by him, expressed great anger against Harry and his levelling crew."‡ This, of course, is a preposterous exaggeration, but it illustrates the fact of the difference.

It was soon illustrated, however, much more decidedly. In electing the council of state for the third year a new mode of proceeding was adopted. In the re-election of February, 1650, the names of the preceding council were regularly called over, and put to the vote; and, in consequence, one having died in the interval, thirty-seven were rechosen, and three only rejected. It had been felt, and by Marten among others, that this was giving to the executive government too much the air of a standing council. The parliament had been, of necessity, and was likely to continue for some time to come, a fixed and unvaried body. For this there were potent reasons, as it has already been shown. But there could be no such reason for making the council of state

* Wood's Ath. Ox. iii. 1240. Clement Walker, Hist. of Indep.

† Bodleian Letters.

‡ Mercurius Pragmaticus, March 1650, 1651.

permanent. It had been decided in the beginning that this member of the government should be a body holding its office for twelve months only. "One of the most essential features of a free state," as Mr. Godwin justly remarks in relating these circumstances, "is rotation, and that those men who are entrusted for the public good with high and comprehensive powers, should be subjected to the purification of new and frequently repeated elections. All offices in such a state should, as far as is practicable, be thrown open to all. No man should be allowed to consider the powers he holds in trust for the nation, a sinecure and an inheritance. It is good, that men qualified for office should feel that at certain stated intervals they are not unlikely to be invited to accept it. It is good, that a certain portion of fresh and unworn understanding and enterprise, not trained in the shackles of an unvaried routine, should from time to time be introduced into the national councils." In accordance, it may be fairly supposed, with some such reasoning as this, parliament now decided that the council of state for the ensuing year should consist of forty-one persons, and that only twenty-one of those who were now of the council should be allowed to be re-elected. "The ablest and most highly endowed of the individuals," observes Mr. Godwin, "who were excluded by the operation of this rule on the present occasion, was Henry Martin." Mr. Godwin has omitted to state, however, by whose exertions he was excluded. It was the work of Oliver Cromwell, now brooding over his projects of absolute power.*

In the house of commons, however, Marten still remained. The power was not yet matured for what Cromwell had in purpose there. In the house of commons during the period of his exclusion from the executive, Marten only laboured the more, with all his wit, his eloquence, and his humanity, in behalf of the liberties of the commonwealth. He supported Vane in the

* Wood's Ath. Oxon. iii. 1240.

noble projects described in the memoir of that great person and pursued at this time with an anxiety and zeal proportionate to the chance there yet remained—by an infusion of new popular power into the house of commons, and an establishment of new and strong institutions for freedom, on the basis of the “Army Proposals” — to save the country from the usurpation that impended.

A few instances of the humour that he nevertheless gave way to in the midst of the serious debates of this period, may be recorded here.

Having let fall some phrases in the course of one of the discussions which gave offence to a puritan member, the latter suggested that it would be well to have a motion to expel all “profane and unsanctified persons” from the house. Upon this, Marten gravely got up and observed, “That he should take the liberty to move, before the motion alluded to, that ‘all fools might be put out likewise,’ and then,” he added, “the house might probably be found thin enough.”

Aubrey tells us that H. M. (as he usually calls Marten) “was wont to sleep much in the house,” and afterwards explains this by saying, that it was “dog-sleep,” or, in other words, a means resorted to on the occasion of any very prosy oration from an alderman or a puritan, to intimate his fatigue, and hint the propriety either of liveliness or a conclusion on the part of the speaker. On one of these occasions, when Marten seems not only to have been “sleeping,” but nodding his head rather vehemently, and breaking into occasional interruptions, “alderman Atkins made a motion that such scandalous members as slept and minded not the business of the house, should be put out.” H. M. *starts up* :—“Mr. Speaker, a motion has been made to turn out the nodders ; I desire the noddèes (noddies) may also be turned out.” Poor alderman Atkins never fairly recovered this.

On a different occasion, in referring to his own case, then unsettled, and to some recent and questionable appointments, he is said to have observed, in a manner

that provoked peculiar laughter, "That he had seen at last the Scripture fulfilled, — 'Thou hast exalted the humble and meek; thou hast filled the empty with good things, and the rich hast thou sent empty away!'"

More serious matters now claim attention. In the council of state installed for the fourth year of the commonwealth, the name of Henry Marten had again appeared; but whether the opposition of Cromwell had relented or proved ineffectual, does not appear; most probably, however, the latter: since, in the election for the fifth year, he was again excluded, and it is said by Cromwell's means. The victory of Worcester had given the "*crowning* mercy" to the general; Fairfax's resignation had left him alone in power with the army; the death of Ireton had removed the last restraint which withheld his meditated assault on the liberties of his country. The memorable scene of the forcible dissolution of the long parliament immediately followed, and on that day, already described, Marten received the reproach of licentiousness and a dissolute life from his old friend Cromwell.

The last scene of the council of state has been described in such a strain of melancholy enthusiasm by Mr. Godwin, that the passage will be interesting here. From breaking up the parliament, Cromwell had joined the council of officers, and now, in the afternoon, attended by Lambert and Harrison, repaired to the council of state. Bradshaw was in the chair. "It required," says Mr. Godwin, "a man of his nerve, his deep sense of religion, and his immovable spirit, to discharge the duties of that day. It must have been sufficiently known what was about to happen: and since the fate of the commonwealth could not be averted, all that remained was, that it should so die, as was most worthy of the days it had lived. Cromwell was to be met and confronted by a man who in his person should represent the freedom and the majesty of the republic, which had now entered far into its fifth year; and, amidst all the heroes of that hour in England, it is

not too much to say that there was no other person from whose lips the accidents of a dying state, not unmeet to be numbered with ancient Athens or Rome, could so worthily have been pronounced. Perhaps no man was ever placed in so illustrious a situation as that which Bradshaw occupied at this moment. He was to face one, in that age, so far as related to an ascendancy over the minds of his fellow creatures either in war or in peace, the foremost man in the world. By an extraordinary coincidence the same individual who had presided at the trial of a legitimate king, and who had pronounced sentence of death upon him for his multiplied delinquencies against his people, was now called upon from another chair to address a usurper in the most critical moment of his career, and to set before him in firm and impressive terms the deed he had perpetrated, and was now perpetrating. Cromwell was backed by all his guards, and by an army of the highest discipline, and the most undaunted and prosperous character. Bradshaw appeared before him in the simple robe of integrity. The lord general was the most resolute of men, and who could least endure an idle show of opposition. The parade of contradiction, and the pomp of declamation, would have been useless. A few words (a brief and concentrated remonstrance) were enough. They were uttered ; and Cromwell ventured on no reply. Abashed the traitor stood. Cromwell, having entered the council chamber, thus addressed the members who were present. "Gentlemen, if you are met here as private persons, you shall not be disturbed ; but, if as a council of state, this is no place for you ; and, since you cannot but know what was done in the morning, so take notice, that the parliament is dissolved." To this Bradshaw answered, "Sir, we have heard what you did at the house in the morning, and before many hours all England will hear it : but, sir, you are mistaken to think that the parliament is dissolved ; for no power under heaven can dissolve them but themselves ; therefore take you

notice of that." With this protest the council rose, and withdrew.

It is unnecessary to pursue the subject of Cromwell's usurpation on the commonwealth; sufficient has been said in the life of Vane. Marten invariably refused to acknowledge his authority, and was excluded from all the parliaments that met under the protectorate. We find him at last in prison, and learn that he was thrown there by the power of Cromwell; but for what reason, save on the general ground of his great talents and still fearless republicanism, does not distinctly appear. It is stated, indeed*, that he had sometimes attended the meetings of the discontented republican officers, who joined with Wildman, Overton, and others in their conspiracy against Cromwell; but no satisfactory proof of this is offered.

Yet though Marten was kept from his place by the strong arm of tyranny, there were not wanting men, even in those parliaments, to declare his sentiments and vindicate the old cause. At the very moment the usurper's power seemed greatest, and he was on the eve of clutching the object of all his hopes and ambitious toils, these men dashed it from him. In none of his parliaments—not even in that composed of his own nominees—could he command a majority; the sentiment of liberty was still too strong for him; and thousands were found resolute enough to echo the remarkable words of a speaker in the parliament of 1654, that "having cut down tyranny in one person, they would not see the nation enslaved by another, whose right could be measured only by the length of his sword." The leaders of these men were Bradshaw and Scot, and most ably did they represent the opinions and the hopes of Marten and of Vane. Their speeches, Ludlow says, in the parliament of 1654, "were very instrumental in opening the eyes of many young members, who had never before heard the public interest so clearly stated and asserted: so that the commonwealth party increased every day, and

* By Mr. Godwin, *Hist. of Com.* iv.

that of the sword lost ground proportionally." Never did a splendid foreign administration so effectually conceal the innate rottenness of the entire domestic scheme and policy, as in the case of the government of Cromwell.

It is much to be lamented, that the speeches referred to by Ludlow have perished; but history has lately received a rich accession, which in some sort compensates * the loss, from the publication of Burton's admirable diary by a writer who is worthy in all respects to have been associated with such a work, by his great talents, his masterly research, his unaffected simplicity and sincerity, and the disinterested zeal which has distinguished a long life devoted to the popular cause. We find in this diary Scot's speeches in Oliver Cromwell's last parliament, and it is to these (unused hitherto in the histories), and to the speeches of the same staunch republican in the parliament that followed, that the case of such a statesman as Marten, in the judgment and trial of Charles I., must be referred, for the satisfaction of those who desire, after a lapse of two centuries, to sit in judgment on the motives that prompted that great event. Some extracts from these most striking assertions of republican statesmanship are, therefore, necessary here.

That parliament met, pursuant to adjournment, on the 28th of January, 1657-1658. Two changes had been made in the interim, in accordance with the famous "Petition and Advice" of the officers — namely, the re-admission of the greater portion of the excluded members, and the creation of a miserable "house of lords." After three days preliminary sitting, a message "from the lords" desired the concurrence of the commons in an address to the protector for a fast. The commons protested against the title, — would admit no other than that of "the other house." It was even maintained that the new house was not a co-ordinate

* "Diary of Thomas Burton. Esq. member in the parliaments of Oliver and Richard Cromwell, from 1656 to 1658. Edited and illustrated with notes historical and biographical, by JOHN TOWILL RUTT."

legislative assembly, but invested only with certain functions of judicature.* To this all Scot's arguments tended, and he resolutely refused, on any other terms, to recognise Cromwell's house of lords. In vain they urged the "Petition and Advice" against him. His great speech on the occasion was a most masterly effort, and, in a subtle vindication of the republican party, included a terrible assault on the despotism of Cromwell.

Scot began by saying that the "ancientness" of the institution of a house of lords had nothing now to do with the question, for that that house had "*been justly cast out by their being clogs upon passing of many good laws.*" He proceeded to state—"The Scots, when the king was at Carisbrooke Castle, invaded England, not as brethren, but to impose a king upon you. The lords were then desired that they would declare this invasion of the Scots, enmity, and as enemies to the nation, which, for the affection to the king, they would not do. You know afterwards what happened. By the virtue of two or three hundred thousand pounds the Scots were persuaded to give over, and leave their king in Carisbrooke Castle. After the house of commons had declared all this of non-addresses and the like, yet the lords voted addresses notwithstanding. The major part of this house voted the like. *The army foresaw that their liberties were likely to be betrayed.* I am for trusting the people with their liberties as soon as any; but when they come to irregularities and the major part grow corrupt, they must be regulated by miracle or otherwise perish. The soldiers see their cause betrayed; the city and apprentices all discontented; and if the army had not then appeared, where had then our cause been.

"The lords would not join in the trial of the king. *We must lay things bare and naked. We were either to lay all that blood of ten years' war upon ourselves, or upon some other object.* We called the king of England to our bar, and arraigned him. He was for his obsti-

* History from Macintosh, vi. 237.

nacy and guilt condemned and executed ; *and so let all the enemies of God perish !* The house of commons had a good conscience in it. Upon this the lords' house adjourned, and never met, and hereby came a farewell of all those peers, and it was hoped the people of England should never again have a negative upon them."

This is surely interesting. The orator next proceeded, after some allusions to the arguments of members of the house, to insinuate bitter sarcasms against Cromwell — " I shall now say " he exclaimed, " why they are not, why they ought not to be, a house of lords. You have not called them so. In all your petition and advice you have not said a word of it. Oh, but you intended it, said he. *It appears to me you never intended it, because you never said it ;* and it is reason enough for me to say it. Once this house said king, and yet you never said lords ; and if ever you had said it, it would have been then. *He (Cromwell) refused it upon a pious account, and I hope he will still do so.*

" *Shall I, that sat in a parliament that brought a king to the bar and to the block, not speak my mind freely here ?*

" Those that now sit in that house that would be lords, did they, or not, advise you to make them lords ? Let me argue in a dilemma. Did they think to be lords ? Then it was their modesty. Did they not think to be lords ? Then they voted like Englishmen ; just, entire, like choosing the Roman general. I think you have not yet meant to put a negative upon the people of England. I suppose you would not call them Lords, for tenderness of the consciences of the people of England. They are under an engagement, and I hope you will be as tender as you were to the point of a king ; and you will not come under the crime of Jeroboam, the son of Nebat, which caused Israel to sin.

" I come to show why you now should not make a house ; I should say, a house of lords. I cry you mercy ! If there be a house of lords, it is more reason

to call the 'old peerage; and there is not one of them there, as I am informed. But you cannot call them for impossibility. You have not a quorum, not half a quorum, of persons qualified. Those that be, fail in the very *formalis causa*, estates and interest. Anciently the bishops, abbots, and lords, their tenants, and relations, could engage half England. *The providence of God has so ordered it, that England is turned a commonwealth, and do what you can, you cannot make it otherwise; and if you join any with them in the legislature, it will not do your work.*

"The administrations of God's dealings are against you. Is not God staining the glory and pride of the world? Is there any thing but a commonwealth that flourishes? *Venice against the pride of the Ottoman family!* All their mountains are pulled down. God governs the world, as he governs his church, by plain things and low things. It was this that led your long parliament—the providence of God, that virtue and honesty should govern the world—*not that I am for a fifth monarchy.*"

In subsequent very striking passages, Scot undertakes to show, not only that they should not be considered a house of lords, but that they *could not* be so considered. "Why not, then?" he asks. "Why? because they are *but* commoners, and were yesterday here. It is not agreeable to the qualification of commoners. For ought appears to you, they sit as a part of the commons, in another place. They have not the reason of the quality of lords. They have not interest—not the forty thousandth part of England. Have they an interest? Why, had they such an interest, why not sit here? The interest follows the persons. As they have none by sitting there, they lose interest by it. The old nobility will not, do not, sit there. They lose that interest. *You lose the people of England by it.* They were, by the providence of God, set free from any negative. Will they thank you, if you bring such a negative upon them? *The people that have bled for you! that have*

not gained by you, but you by them! What was fought for, but to arrive at that capacity to make their own laws?

“The unhandsome posture you bring yourselves into by it! To stand here to that house, not like a parliament of England! Consider the consequences, that you charge not all the blood upon the great parliament. The blood that shut out a negative, stands at your door. I have heard of some motion for a day of humiliation for this blood. *Why, you should put on the king's head again, which was surely taken without his consent, and without the lords' too!* Let not the people of England petition to have fetters upon them. Let it be your patience, and not your desires. It is not noble for the people of England to seek this.”

That expression, “let it be your patience, and not your desires,” is of significant import. Scot's conclusion was worthy of the whole speech. He took the possible answers to his objections in succession; among them, the assertion that “they had been *made*” lords—that they who had made them “another house,” *made* them lords. “I will not say,” remarked Scot on this, “but his highness has power of honour, but not to set up courts. *I would as soon be knighted under his sword in the camp, as under any man that ever gave honour.* The argument is sophistry: you made them another house; his highness made them lords; therefore they are a house of lords. You have settled them only as a high court of justice; but if you make them a co-ordinate power with you, you give them the power of your purses, of peace and war, of making laws, and magistrates to execute them.

“The people of Israel were governed by themselves—by the people. The people met, saith the text, and went to Hebron. The people have power of all these things. God submits all his administrations to the people, with reverence may I say it. God left to Adam to name all creatures: God did not say this is a lion, this is a bear; but Adam gave names to every creature. So he did to

the woman, because a rib out of his side gave her a name. This house is a rib out of your side. You have given it a name. My motion is, that you would not alter it!" *

Three days after, the same question being in discussion among the members under another form, submitted to them as to "the commons," by the "other house," Scot took occasion to throw out a somewhat ominous hint of the present resolution of the republicans. After impressing the necessity of returning an answer to these quasi lordlings, as to "the other house," he went on to remark:—"It is not enough that they christen themselves, but they christen you,—that you are 'commons.' I am not ashamed of the title, *it being the greatest honour under heaven to serve the people in the meanest capacity in this house*; all power being originally in the people. I observed this was used as an argument the other day, that you had received a message from them by that title. *He that deceives me once, it is my fault if he deceive me twice.* Modesty (it is Tertullian) may bring a man to misery. The Greeks were destroyed, many of them, because they could not say no. They are, at best, but originally from you."

The result of this plain speaking was another dissolution by Cromwell. Hartlib, Milton's correspondent, describing the necessity for this step, after mentioning the danger to be apprehended from the royalists, adds:—"Besides, there was another petition set on foot in the city for a commonwealth, which would have gathered like a snowball. But, by the resolute, sudden dissolving of the parliament, both these dangerous designs were

* It is worth subjoining, from a debate in the parliament of Richard Cromwell, Scot's deliberate opinion of Oliver's administration. He was arguing against trusting the whole power of war to Richard and his council:—"I look upon his father," said Scot, "as of much more experience and counsel than himself; yet he was never so successful as when he was a servant to the commonwealth. What a dishonourable peace he made, and what an unprofitable and dangerous war. Was not the effect of the peace with Holland, and the war with Spain, the most disadvantageous and deplorable that ever were? Therefore, if he that was a man of war and of counsel miscarried, why should I trust a single person, the most unfit to refer it to? Yet you do implicitly commit the whole charge upon his highness."

mercifully prevented." Mrs. Hutchinson herself says, that such had been the influence of these sentiments of Vane, Marten, and Scot, upon the minds of men at this period, that a third party was actually "ready both with arms and men, when there was opportunity to have fallen in, with swords in their hands, for the settlement of the rights and liberties of the good people."

The resumption of power by the republicans on the death of Oliver Cromwell, has been described in the life of Vane. It is necessary here, however, in order to place on record the only authentic vindication of the motives of the republican leaders in their execution of Charles I. with a view to the establishment of a commonwealth, to resort once more to the speeches of Scot, Marten's intimate friend and associate in those memorable actions. Most true is what Mr. Godwin has remarked of the way in which these men have to this day been referred to by a large class of writers, as though they were raking out the records of a "Newgate Calendar." Party rage began this; indolence has suffered it to continue; and even Mr. Godwin, admirable for many of the greatest qualities of a historian, and, above all, admirable for that pursuit of truth which is his unfailing characteristic, has failed to quote these only just statements of the real matters at issue between the royalists and the republican regicides. In reading even the imperfect records of Scot's speeches which yet remain, we find ourselves at once emerged from the foul atmosphere of falsehood and exaggeration, as of the meaner and baser sophistries, and breathing the clear air of honest, fearless, conscientious, and determined men. Whatever may have been their errors in judgment, their actions, we must feel, belonged to the highest order of just and honourable motive. It was the cause — the good old cause — which they ventured every thing to sustain.

Upon Thurloe's proposition, in Richard Cromwell's first parliament, for "recognising" the "undoubted" right of Richard as protector, Scot spoke with Vane

for the substitution of the word "agnise" for recognise, and the total omission of the phrase "undoubted." The debate, as we have already seen in the memoir of Vane was taken on these points, for the purpose of trying the question of a pure republic in the least offensive shape. The declared object at the same time was the rejection of the bill. Scot rose, after a speech of a very hot presbyterian (Mr. Bulkeley), in favour of Richard; and after referring to the events which first led to the agitation of questions against monarchy in England — naming the Stuarts as "that family, that cursed family! I may call it so yet!" — he proceeded to allude to the necessities which drove them to the execution of Charles. "Had he been quiet," he said, "after he was delivered up to us by the Scots, knowing him to be our king ——" a blank in the diary occurs here, but it is not difficult to imagine what the close of the sentence would have been, when we find it followed thus: — "So long as he was above ground, in view, there were daily revoltings among the army, and risings in all places; creating us all mischief, more than a thousand kings could do us good. *It was impossible to continue him alive. I wish all had heard the grounds of our resolutions in that particular.* I would have had all our consultings *in foro*, as any thing else was. *It was resorted unto as the last refuge.* The representative, in their aggregate body, have power to alter or change any government, being thus conducted by providence. The question was, whose [*i. e.* on whom] was that blood that was, shed? It could not be ours. Was it not the king's by keeping delinquents from punishment, and raising armies? The vindictive justice must have his sacrifice somewhere. *The king was called to a bar below, to answer for that blood.* WE DID NOT ASSASSINATE, OR DO IT IN A CORNER. WE DID IT IN THE FACE OF GOD AND OF ALL MEN. If this be not a precept, THE GOOD OF THE WHOLE, I know not what is; — to preserve the good cause, a defence to religion and tender consciences.

I will not patronise or justify all proceedings that then were."

This is a memorable passage. It was not the language of self-vindication only, but of awful and impressive warning to all the generations of men that were to follow after the violent death of the ardent and honest speaker. How poorly it has been often imitated in modern times!

Scot now vindicated the intentions of the long parliament on the eve of its dissolution, and asserted the regrets which followed it, and the respect due to its memory. "The Dutch war came on. If it had pleased God and his highness to have let that little power of a parliament sit a little longer,—when Hannibal is *ad portas*, something must be done *extra leges*,—we intended to have gone off with a good savour, and provided for a succession of parliaments; but we stayed to end the Dutch war. We might have brought them to oneness with us. Their ambassadors did desire a coalition. This we might have done in four or five months. *We never bid fairer for being masters of the whole world.* Not that I desire to extend our own bounds. We are well, if we can preserve peace at home. If you be fain to fight Holland over again, it is vain to conceal it. That gentleman says the parliament went out, and no complaining in the streets, nor inquiry after them. That is according to the company men keep. Men suit the letter to their lips. It is as men converse. I never met a zealous assertor of that cause, but lamented it, to see faith broken, and somewhat else. I will say no more. It was as much bewailed, at the instrument of government. A petition, the day after the parliament was dissolved, from forty of the chief officers, the aldermen of the city of London, and many godly divines (except the rigid presbyters, too well-wishers to Mr. Love's treason*), besought to have that parliament restored. But the protector, being resolved to carry on his work, threat-

* A presbyterian minister tried and executed in 1651 for treason against the commonwealth.

ened, terrified, and displaced them ; and who would, for such a shattered thing, venture their all? You have had five changes. This is the fifth, and yet the people have not rest. *It may be the people may think of returning to that again, or it may be to another government.* The Romans continued consuls 100 years. There were endeavours to bring in kingship, and many lost their heads for it. Brutus's own sons died under the axe, rather than their father would suffer kingship. Then came the decemviri, to collect the best laws in all nations, still *jussu populi*; to make peace and war; to make laws; to make magistrates; to frame twelve tables to be standing laws. I would not hazard a hair of his present highness's head. Yet I would trust no man with more power than what is good for him and for the people. *I had rather have 100l. per annum clear, than 200l. accountable.* He is yet at the door. If you think of a single person, I would have him sooner than any man alive. *Make your body, and then fit your head, if you please, one head; else we must debate all the limbs over again, either in a grand committee, or by twenty or thirty gentleman. In the mean time, lay this bill aside."*

The question again driven back upon the words a "agnise" and "undoubted," Scot took an opportunity to declare, with respect to the latter phrase, that force was used to pass the "petition and advice," and that he could never recognise a title under it alone. He observed, in some passages of remarkable constitutional doctrine, that he might acknowledge that person as chief magistrate; but he added, "the word 'undoubted,' is a doubt with me. The argument used against those that say fire does not burn, is, put your fingers in. Were not pikes at the door to keep us out? It was proved. I cannot admit that a free parliament. The petition and advice was not pursued. If the nomination appear not to you, you cannot go upon that. *The parliament have suffered entails upon the crown: but this has been done before the judges and council, and publicly.*

This government is but *de bene esse*. The kingdom of England was not always hereditary. Of twenty-five or twenty-six kings, fifteen or sixteen of them came in by the choice of the parliament, and not by descent: among the rest, king Stephen, Richard II., Edward I. *The parliament has always power to make or empower the chief magistrate*, and they changed the government as often as they thought it good for the people. As to the instance, the last king, I was at his coronation. At every corner, every society was asked, Will you have this person for your king? This implies a power of the people; though he was king before, by succession. As to the oath made without doors, I find myself free here. You may remove the chief magistrate, and make whom you please so. In Henry VI. and Henry IV.'s time, the election was from the people." After some further precedents of this sort, Scot, referring to an argument used in the debate, that the people had really acquiesced in the selection of Richard, laid down in another form Vane's principle of a convention of the people. "You say you have a people that have declared this honourable and very precious person, with the acclamations of towns and villages. *If the whole body had done this in a collective aggregate body, met in any place, you ought not to question it*; but this is but from some parts, in their several scattered bodies. I would have some persons to withdraw and word a question; though it would come better from another house, than from us, that are bargainers for the people. We must consider as well what a man he may be. A young lion's teeth and claws may grow. I speak not of him, God knows! Yet we are not to trust too far. If we were assured that through his life he would not err, no man can tell who is to come after. *Can you retrench that power you are making for perpetuity?* St. Austin and Pelagius were born both in a day. The antidote and poison were both of an age. *Make the provision for the safety of the people's liberties, and your magistrate's power and prerogative, contemporary. Let them be twins. Let them justify one*

another. Let not one precede the other. Who would you have the protector thank for his power?—the people? the army? the council? Let him own you for it! *Amor et delicia populi Angliæ*—let him be so, when made your creature, not *ad extra*. It is a human institution; only own him as your authority. The parliament will be said to be either fools or madmen, that know not what is fit for them so well as another. Why should we think ourselves more unfit to provide for ourselves, and for our own good, than any other? *If we be so, let us set up the court of wards again, not for our children, but for ourselves.* Why may not we be as well intrusted as any single person? Who better judges than the heads of the tribes? Name a committee to form a question that may take in both. You will then dispatch more in an hour, than you have done in all this time."

The omission of the word "undoubted," was eventually agreed to. Scot again gave battle on the question of the substitution of "agnise" for "recognise." The famous Henry Neville (the author of *Plato Redivivus*, and other works, remarkable for their soundness of doctrine and purity of style) had observed, that the word "recognise" gave away the question, or that it betokened slavery, and was answered by a remark from Mr. Goodrick, that "we were not slaves in Elizabeth's time, and it was the language then," when Scot rose. "The grounds of the word 'recognise' then," he said, "and in the times of Henry VIII., and Henry IV., were different from ours. The reason for Henry IV.'s recognition, was because Richard II. was alive, and his competitor. It was in contradiction to competitors; only to distinguish persons. An act of parliament passed to legitimate queen Elizabeth, because it was questioned whether she were fit to reign or no. King James came from another kingdom and another family. There was no recognition to king Charles, and no need of it. He had no competitor. I can decognise Charles Stuart and that family, but recognise I cannot. It comprehends the merits of the question. We must now speak, or ever

hold our peace. It was told that the great seal was sent for, two or three times, and either his highness was not so well, or—I know not what ; it was sent back again. The privy council made him. I would have him to be your creature, and he will be more tender of your liberties and privileges. If I recognise, I must be satisfied how he was declared, according to the petition and advice. We are not ingenuously dealt withal, for this is but a wing of the debate, and the wing will be out of your reach. If this pass, you will take a little breath between that and caring for the liberties of the people ; and then money must be had for this protector. I was saying I would be a slave, *but I would not neither, till I needs must.* If I could have lived safely in any other part, I would not have lived here. *I would be content it should be set upon my monument,—if it were my last act, I own it*,—I was one of the king's judges.* I hope it shall not be said of us, as of the Romans once ; *O homines, ad servitutem parati!*"

It need not be repeated here, that Richard Cromwell was soon driven from the protectorate by Vane and Scot, and their gallant associates, who, in Marten's absence from the house, so resolutely maintained the opinions they held in common. With the recall of the long parliament after that event, Harry Marten once more took his seat in the house of commons. The intrigues of the traitor Monk need not be detailed here ; it is sufficient to say that, before their consummation, they

* It was Scot's last act to own this. When some of the mean-spirited presbyterians who were amongst the last left in the re-assembled long parliament, before its final dispersion by Monk, proposed that before they separated, they should bear their witness against the horrid murder of the king—and the motion was followed by the protestation of one of the members that he had neither hand nor heart in that affair—Scot at once rose and said :—" Though I know not where to hide my head at this time, yet I dare not refuse to own, that not only my hand, but my heart also, was in it." This was his last word in parliament. Before his judges he manifested the same lofty and resolved temper, pleading nothing but his privilege of parliament, and the unquestionable character of the great office he had borne, as deputed by the people to adjudge the king. The last words he pronounced upon the scaffold, were a blessing to God, "that of his free grace he had engaged him in a cause not to be repented of—*I say in a cause not to be repented of*"—— here the sheriff interposed, and the executioner did his dreadful office. This was indeed a CAUSE which, in Vane's immortal words, "gave life in death to all the owners of it and sufferers for it."

had been seen through by the fine sense of Marten, and ridiculed by his wit. While the protestations of devotion to a commonwealth, made by that "scoundrel of fortune," were duping Hazelrig and the less reflecting republicans; while he "called God to witness that the asserting of a commonwealth was the only intent of his heart," and was believed; we have had occasion to notice the subtle detection of the trick by Vane, and the masterly though unsuccessful effort he made to avert its consequences. We have now to add, that Marten took occasion to say, in his place in parliament, that, although he doubted not general Monk's real design was a commonwealth, it yet befitted the house to consider the very remarkable inaptitude of the means he was providing for that object. "Why, sir," he continued, "he is like a person sent to make a suit of clothes, who brings with him a budget full of carpenter's tools,—and being told that such things are not at all fit for the work he has been desired to do, answers, 'Oh! it matters not! I will do your work well enough, I warrant you.' " *

Upon the restoration, the name of Henry Marten was "absolutely excepted, both as to life and property," from the act miscalled of oblivion and indemnity; but he surrendered, with Scot and others, resolved to take his trial. Trial, however, it should not be called—for all the proceedings against the regicides were made up of the bloodiest and most savage cruelty, the basest falsehoods, the most shocking perfidy. The first determination taken by the treacherous lawyers who directed the proceedings, was the settlement of six notable rules, among which we find these:—That the indictment should be for compassing the death of the late king, under the 25th of Edward III., and that his death should be one of the overt acts to prove the compassing,—that overt acts not in the indictment might be given in evidence,—that two witnesses should not be required to each particular overt act. As a further precaution, the commission was delayed until the appointment of new sheriffs more sla-

* Ludlow.

vishly ready than their predecessors to pack a jury. Bills were sent up and found against twenty-nine persons*; and their trials began before thirty-four commissioners†, on the 9th of October, 1660, at the Old Bailey.

On the 10th of October, after some months of imprisonment, Marten was placed at the bar of the Old Bailey, and required to plead. "I desire," he said, "the benefit of the act of oblivion,"—here he was interrupted and told he must plead guilty, or not guilty; and that if he demanded the benefit of the act of oblivion, it was a confession of being guilty! Upon this Marten resumed earnestly—"I humbly conceive the act of indemnity——" Again he was interrupted

* Marten, Waller (sir H.), Harrison, Carew, Cook, Peters, Scot, Clement, Scroop, Jones, Hacker, Axtel, Heveningham, Millington, Tichborn, Roe, Kilburn, Harvey, Pennington, Smith, Downs, Potter, Garland, Fleetwood, Meyn, J. Temple, P. Temple, Hewlet, and Waite.

† The commissioners who by these proceedings damned themselves to fame, were, sir Thomas Allen, lord mayor of London, lord chancellor Hyde, the earl of Southampton, the duke of Somerset, the duke of Albe-marle (Monk), the marquis of Ormond, the earl of Lindsay, the earl of Manchester, the earl of Dorset, the earl of Berkshire, the earl of Sandwich, the lord Say and Sele, the lord Roberts, the lord Finch, Mr. Dearil Holles, sir Frederic Cornwallis, sir Charles Berkley, Mr. Secretary Nicholas, Mr. Secretary Morrice, sir Anthony Ashley Cooper, Mr. Arthur Annesley, sir Orlando Bridgman, lord chief baron, Mr. Justice Forster, Mr. Justice Mallet, Mr. Justice Hyde, Mr. Baron Atkins, Mr. Justice Twisden, Mr. Justice Tyrrel, Mr. Baron Turner, sir Harbottle Grimston, sir William Wild, recorder of London, Mr. Serjeant Brown, Mr. Serjeant Hale, and Mr. John Howel. The prosecutors in behalf of the king were, sir Jeffery Palmer, attorney-general; sir Heneage Finch, solicitor-general; sir Edward Turner, attorney to the duke of York; Sergeant Keyling; Mr. Wadham Wyndham. A great portion of these men, it has been well pointed out (*Hist. from Mackintosh*), who thus sat as judges, were as guilty of treason under the 26th Edward III. and the charge of the chief baron, as those whom they tried. The judge declared it to be the law that "no authority, no single person or community of men, nor the people collectively or representatively, have any coercive power over the king of England," and that to imprison the king was "a horrid treason," by two statutes of parliament. But of these commissioners, fifteen, according to Ludlow, had levied war against the king by their votes in parliament, or by force of arms in the field, and several of them still sat in parliament when Charles for the first time became its prisoner at Holmby. Lords Manchester and Say were excepted from a general pardon in one of the proclamations of the late king. Hollis acted the most violent part in parliament, and in the civil war, or, as it was now called, the rebellion, with the further disqualification for the ends of justice of bringing to the trial of independents and republicans the vindictive passions of a partisan and a presbyterian. Monk, in sitting as a commissioner, but finished the part played by him in the recent transactions. The palm of transcendent infamy may be given to sir Anthony Ashley Cooper, who, having purchased his pardon by his perfidy, now sat as the judge of men with whom he had sat in council, for whose safety, to the touching of a hair of their head, he had bound himself in the penalty of "damnation body and soul," and with whom he might have been tried as an accessory.—(Vol. vi. p. 342.)

coarsely, and told he must plead. The following is a report of what followed, in which Marten's quiet and resolute self-possession appears very striking.

"The COURT. 'You must plead guilty or not guilty.'

MARTEN. 'If I plead, I lose the benefit of that act.'

COURT. 'You are totally excepted out of the act.'

MARTEN. 'If it were so, I would plead. My name is not in that act.' COURT. 'Henry Marten is there.'

MR. SOLICITOR-GENERAL. 'Surely he hath been kept a close prisoner, indeed, if he hath not seen the Act of Indemnity. Show it him.' Mr. Skelton opened the act.

COURT. 'How is it written?' CLERK. 'It is Henry Marten.' The act being shown him, he said, 'HENRY MARTEN; my name is not so,—it is Harry Marten.'

COURT. 'The difference of the sound is very little. You are known by that name of Marten.' MARTEN.

'I humbly conceive all penal statutes ought to be understood literally.' CLERK. 'Are you guilty or not guilty?'

MARTEN. 'I am not Henry Marten.' The clerk again asked him as before, and the court said, 'Be

advised, the effect of this plea will be judgment;' and the solicitor-general cited somewhat parallel to this, in

a case formerly of Baxter, where the name was Bagster, with an s, and adjudged all one, being the same sound.

The clerk then put the question to him again, when, instead of answering, he said, 'My lord, I desire coun-

sel.* There will arise matter of law, as well as fact.'

The court then told him, 'You are indicted for treason, for a malicious, traitorous compassing and imagining

the king's death; if you have any thing of justification, plead not guilty, and you shall be heard: for if it be

justifiable, it is not treason. The rule is, either you must plead guilty, and so confess, or not guilty, and

put yourself upon your trial; there is no medium.'

MARTEN. 'May I give any thing in evidence before a verdict?' COURT. 'Yes; upon your trial you may

give any evidence that the law warrants to be lawful

* He had before demanded the assistance of counsel, and been refused.

evidence.' The clerk here again put the question of guilty, or not guilty; and the court said, 'Understand one thing, because I would not have you mistaken; you cannot give in evidence the misnomer.' MARTEN. 'I submit, and plead not guilty.' CLERK. 'How will you be tried?' MARTEN. 'By God and my country.' CLERK. 'God send you a good deliverance.' "

The crown counsel then opened the case, and observed that Marten had "both signed and sealed the precept for summoning the court, and the warrant for execution," and that he had sat every day, and "particularly the day of sentence." Here Marten interrupted the prosecutor, and said that he did not decline a confession so as to matter of fact, provided the malice were set aside. He had, he said, with others, judged Charles I. to death, but neither "maliciously, murderously, nor traitorously." The crown counsel here laughed, and promised to prove malice very easily; and the lord chief baron informed the prisoner that "there is malice implied by law, malice in the act itself. "That," he continued, "which you call malice,—that you had no particular intention or design against the king's person, but in relation to the government,—that will not be to this present business. If it should extenuate any thing, that would be between God and your own soul; but as to that which is alleged in the indictment, maliciously, murderously, and traitorously, they are the consequences of law. If a man meet another in the street, and run him through, in this case the law implies malice; though but to an ordinary watchman, there is malice by the law in the fact; if there was no such expressed personal malice, yet the fact done implies malice in law." The solicitor-general now interfered, and showed the meanness of his thoughts, and his incapacity for judging the actions of great-souled men, by this piece of vulgar pleasantry:—"My lord, he does think a man may sit upon the death of the king, sentence him to death, sign a warrant for his execution, *meekly, innocently, charitably, and honestly!*" Marten answered to this quietly and

with dignity : — “ I shall not presume to compare my knowledge in the law with that of that learned gentleman : but, according to that poor understanding of the law of England that I was capable of, there is no fact that he can name that is a crime in itself, but as it is circumstantiated. Of killing a watchman, as your lordship instanced, a watchman may be killed in not doing his office, and yet no murder.” The lord chief baron retorted : — “ I instanced that of a watchman, to show there may be a malice by law, though not expressed ; though a man kill a watchman, intending to kill another man, in that case it is malice in law against him : so in this case, if you went to kill the king when he was not doing his office, because he was in prison, and you hindered him from it, the law implies malice in this. It is true, all actions are circumstantiated, but the killing of the king is treason of all treasons.” And was reinforced by a sage remark of Mr. Justice Forster : — “ If a watchman be killed, it is murder ; it is in contempt of magistracy, of the powers above : the law says, that contempts adds to the malice.” The crown counsel now stood up with a triumphant air, and told their lordships, — “ We shall *now* prove against the prisoner at the bar (because he would wipe off malice), that he did this very merrily, and was in great sport at the time of signing the warrant for the king’s execution.” “ That,” quietly answered Marten, “ does not imply malice.” Ewer’s evidence was then given, as already related.*

Sir Purbeck Temple was now called as a witness ; and the counsel asked him what he knew “ of that gentleman (the prisoner), in his carriage of this business.” Sir Purbeck Temple gave the following evidence in answer : — “ My lords, I being present in town when that horrid murder was contrived against the late king, there came some persons of honour, servants of the late king, to my father’s house, sir Edward Partridge, to engage me to join with them to attempt the king’s escape. In order whereunto, they told me

* See *antè*, p. 313.

nothing would tend so much to his majesty's service as to endeavour to discover some parts of their counsels ; for that it was resolved by Cromwell to have the king tried at the high court of justice, as they called it, the next day ; and desired me (if possible) to be there to discover their counsels, whereby the king might have notice, and those that were to attempt his escape. In order whereunto, the next day, by giving money to the officer of the painted chamber, I got in by daylight in the lobby of the lords' house. I espied a hole in the wall under the hangings, where I placed myself till the council came, where they were contriving the manner of trying the king when he should come before them. After the manner of praying and private consults amongst themselves, when their prayer was over, there came news that the king was landed at sir Robert Cotton's stairs. At which Cromwell run to a window, and, looking on the king as he came up the garden, he returned as white as the wall. Returning to the board, he speaks to Bradshaw and sir Henry Mildmay, how they and sir William Brereton had concluded on such a business : then turning to the board, said thus : — ' My masters, he is come, he is come, and now we are doing that great work that the whole nation will be full of ; therefore I desire you to let us resolve here what answer we shall give the king when he comes before us ; for the first question that he will ask us, will be, by what authority and commission do we try him ? ' To which none answered presently. Then, after a little space, Henry Marten, the prisoner at the bar, rose up and said, ' In the name of the commons and parliament assembled, and all the good people of England, ' which none contradicted ; so all rose up, and then I saw every officer that waited in the room sent out by Cromwell to call away any lord such a one (whose name I have forgot), who was in the court of wards chamber, that he should send away the instrument, which came not, and so they adjourned themselves to Westminster Hall, going into the court of wards them-

selves as they went thither. When they came to the court in Westminster Hall, I heard the king ask them the very same question that Cromwell had said to them."

The solicitor-general then addressed the jury, interrupting the last witness, to desire them to place the correct interpretation on what the prisoner had said about want of malice. "You see, gentlemen," he said, "the prisoner at the bar confesses his hand to the warrant for executing the king; you see, by his servant, how merry he was at the sport; you see, by this witness, how serious he was at it, and gave the foundation of that advice upon which they all proceeded, — and now, gentlemen, he says he did it not traitorously. *I humbly conceive he means it was justifiable!*" To this Marten, without any emotion, observed to the chief baron: — "My lord, the commission went in the name of the commons assembled in parliament, and the good people of England; and what a matter is it for one of the commissioners to say, let it be acted by the good people of England." To this the solicitor retorted, "You know all good people did abhor it. *I am sorry to see so little repentance.*"

Being called upon for his defence, Marten addressed the court in these words. The touching effect of their quiet earnestness is not lessened by the consideration they show to the place and position in which the speaker now stood. "My lord, I hope that which is urged by the learned counsel will not have that impression upon the court and jury that it seems to have, that I am so obstinate in a thing so apparently ill; my lord, if it were possible for that blood to be in the body again, and every drop that was shed in the late wars, I could wish it with all my heart; but, my lord, I hope it is lawful to offer in my own defence, that which, when I did it, I thought I might do. My lord, there was the house of commons, as I understood it (perhaps your lordships think it was not a house of commons); then it was the supreme authority of England: it

was so reputed both at home and abroad. My lord, I suppose he that gives obedience to the authority in being *de facto*, whether *de jure* or no,—I think he is of a peaceable disposition, and far from a traitor. My lord, I think there was a statute made in Henry VII.'s time, whereby it was provided, that whosoever was in arms for the king, *de facto*, he should be indemnified, though that king *de facto* was not *de jure*: and if supreme officers, *de facto*, can justify a war (the most pernicious remedy that was ever adjudged by mankind, be the cause what it will), I presume the supreme authority of England may justify a judicature, though it be not an authority *de facto*. My lord, if it be said that it is but a third estate, and a small parcel of that,—*my lord, it was all that was extant. I have heard lawyers say, that if there be commons appurtenant to a tenement, and that tenement all burnt down, except a small stick, the commons belong to that one small piece, as it did to the tenement, when all standing.* My lord, I shall humbly offer to consideration, whether the king were the king indeed,—such a one, whose peace, crowns, and dignities, were consigned in public matters. *My lord, he was not in execution of his offices, he was a prisoner.*" Marten then made allusion to king Charles II., and said, that so long as the representative body of England "supported him, he (Marten) should pay obedience to him. Besides, my lord," he concluded, "I do owe my life to him, if I am acquitted for this. I do confess *I did adhere to the parliament's army heartily.* My life is at his mercy; now if his grace be pleased to grant it, I shall have a double obligation to him."

The solicitor-general followed, in aggravation of the case. "My lord," he said, "this gentleman, the prisoner at the bar, hath entered into a discourse, that I am afraid he must have an answer in parliament for it. He hath owned the king, but thinks his best title is the acknowledgment of the people; and he that hath that, let him be who he will, hath the best title." Marten here interrupted the solicitor with these few words: "I

have one word more, my lord. I humbly desire that the jury would take notice, that, though I am accused in the name of the king, that if I be acquitted, the king is not cast. It doth not concern the king that the prisoner be condemned; it concerns him that the prisoner be tried. It is as much to his interest, crown, and dignity, that the innocent be acquitted, as that the noçant be condemned."

The lord chief baron delivered his charge, in which he took occasion to observe: "Marten hath done that which looks forward more than backward; that is, to repentance of that which is past, than obedience of that which is to come. It is a trouble to repeat those things which he said himself, and truly, I hope in charity he meant better than his words were." A verdict of guilty was returned by the jury "after a little consultation."

It has been said that Henry Marten sought to save his life upon his trial by professions of repentance and contrition. The reader has the means of judging the utter falsehood of such a charge. No late-found loyalty was his. His conduct in that hour was what it had been his whole life through,—easy, self-possessed, and firm. He offered no uncalled-for offence to the court, it is true, or to the powers once more in possession of the kingdom. There was about Harry Marten, in all circumstances, as there generally is with men of wit or various accomplishment, that habitual grace, that continual sense of the proprieties in manner, which nothing could interrupt—ever varying and adapting itself to all circumstances alike: but when he left the bar that day, after receiving sentence (and he left it with a step that betokened a light heart still, though a firm one), no one entertained a doubt but that the next display of his accomplishments and his courage would be made upon a scaffold.

And yet his life was spared. Some of the royalists visited him in prison, and requested him to petition parliament for mercy. Bishop Burnet says, upon this, that his "vices" had procured him such friends. Mr. D'Is-

raeli says, with greater truth, that the news of his impending execution had roused the grateful mediation of the numerous friends of the opposite party to his own, whom in his own days of power "his facetious genius had so timely served."* He acceded to their request, and sent a petition to the two houses. In this petition he observed, with the careless wit which no misfortune could subdue, that he had surrendered himself upon the restoration, in consequence of the king's "declaration of Breda," and that "since he had never obeyed any royal proclamation before this, he hoped that he should not be hanged for taking the king's word now."

On the discussion of the matter in the house of commons, a royalist writer† tells us, "the grave and sober members were generally for having him pay his forfeited life; but he had many advocates in those who had partook of the pleasures of his conviviality, both within and without the house." Notwithstanding the latter circumstance, however, the commons took no step upon the petition. The lords afterwards took it into consideration, and summoned Marten before them. Here his conduct was still as it had ever been. Worn with imprisonment, and distracted with hopes deferred (for three months had now passed since his sentence), he confessed no fault, extenuated nothing of that for which his life was sought in penalty, but, making a half-pleasant allusion to the past, besought their lordships to give him more time to live. We find from the Lords' Journals (7th February, 1661), that, "Mr. Marten being demanded what he could say for himself why the aforesaid act for his execution should not pass," he replied, that his hope was in the great mercy of their lordships, greater here than it could be in any other case, since "the honourable

* Commentaries, vol. v. p. 418. The men of his own party, with whom he had ever contracted friendships, exhibited on all occasions a singular attachment to him; and Ludlow relates of his father, sir Henry Ludlow, that he believed his death was chiefly occasioned by his deep grief at the expulsion of Marten from the house of commons in 1643.

† Noble, Echard.

house of commons, that he did so idolise, had given him up to death, and now this honourable house of peers, *which he had so much opposed*, especially in their power of judicature, had suddenly been made the sanctuary to flee to for life." Lord Falkland and other peers spoke very warmly in his behalf, and the sentence of death was remitted. Yet the mercy, after all, was more than questionable. He was ordered to be imprisoned *for life*.

A blank, then, suddenly falls here on the gaiety, the grace, the high purposes, the wit of Harry Marten!—a blank even felt by the most prejudiced advocates of the men it had been the business of his life to oppose. "Such," says one of them, "was the last sad doom of this man, whose quickness of thought, elegance of manners, vivacity, wit, and charming gaiety had often fascinated, not only the convivial board, but the grave, austere, sour, republican chiefs in the house of commons, who so often chose him their manager and director!" *

His first prison was the tower—he was afterwards ordered to Windsor, from which Aubrey says he was removed, "because he was an eie-sore to majestie"—his final place of imprisonment was the castle of Chepstow in Monmouthshire. It would seem that this place was selected with some view to a former and prouder connection with it that might render his present humiliation deeper, for Wood tells us that at the period of his greatest influence in the country, "the Welsh counties desired Henry Marten for their commander-in-chief." In Chepstow he lingered out twenty long years of imprisonment. "For twenty years," exclaimed a great living writer, in his early days of hope and of enthusiasm,

* Even old Anthony à Wood, after exhausting every variety of abuse on Marten, is obliged to finish with the following admissions, qualified a little at the close. "He was a man of good natural parts, was a boon familiar, witty, and quick with repartees, was exceeding happy in apt instances, pertinent and very biting, so that his company being esteemed incomparable by many, would have been acceptable to the greatest persons, only he would be drunk too soon, and so put an end to all the mirth for the present."—*Ath. Occas.* vol. iii. p. 1241.

— standing in the very room that had been occupied by the illustrious prisoner —

For twenty years, secluded from mankind,
Here MARTEN lingered. Often have these walls
Echo'd his footsteps, as with even tread
He paced around his prison ; not to him
Did nature's fair varieties exist !
He never saw the sun's delightful beams,
Save when through yon high bars it pour'd a sad
And broken splendour. Dost thou ask *his crime* ?
He had rebell'd against a king, and sat
In judgment on him — for his ardent mind
Shaped goodliest plans of happiness on earth,
And peace and liberty. Wild dreams ! but such
As Plato loved ; such as, with holy zeal,
Our Milton worshipp'd.

— And through all the early,* and indeed solitary years of his imprisonment, those ardent hopes and goodliest plans may well be thought to have still remained, his refuge and sustainment. He had other consolations in his misery, which were named before. It brought back the long-estranged affection of earlier days — his wife's sympathy, and his daughter's affectionate zeal. His own estate confiscated by the crown, every thing he could need in the narrow circuit of his prison he received out of the jointure that had been reserved to his wife on their marriage, and when, in the latter years of his imprisonment, the severities commemorated by the poet had been in some respects relaxed, the visits of his daughter relieved the loneliness and infirmity of age. His wife had died some little time before.*

One anecdote of Marten remains to be told. It is the only anecdote we have of his imprisonment, the single gleam which breaks through the now impenetrable obscurity of those melancholy years, to reveal the man. And with its aid we see the man unchanged. He is firm, frank, fearless as ever. He had been suffered, during the last few years of his life, in consideration of the harmlessness, no less than the infirmities, of his great age, to walk out of his prison occasionally, under the strict conduct of a keeper, into the neighbouring village of St. Pierre. A person of the name of Lewis lived

* Aubrey, Bodleian Letters. Ath. Oxon. vol. iii. p. 1943.

here, and when he saw him would ask him into his house. It grew into a habit at last; and a visit to this house, and a conversation with its owner, were the old man's last remaining comforts. Some unlucky day, however, this Lewis, who was a slavish royalist (as people who lived in the neighbourhood of royal castles in those days generally were), happened to ask his visitor if, supposing the deed were to be done over again, he would again sign the warrant for Charles the First's execution. Marten told him "Yes" — and was never after received into the house of Mr. Lewis.* The end, however, which he must surely now have prayed for, was rapidly approaching, and at last, in 1681, enfeebled with the weight of seventy-eight years, and the sufferings of a long imprisonment against which his strong natural health had wonderfully borne him up, he was suddenly, while sitting at dinner, struck with apoplexy, and fell dead from his chair.

A paper containing the following verses was found in the room where he died.† They appear to have expressed the very latest of his thoughts before death, and he had formed the opening latters, it will be seen, into his own name — an old fantastic resource from the wearying length of lonely hours.

Here, or elsewhere, (all 's one to you — to me!)

Earth, air, or water, gripes my ghostless dust,

None knowing when brave fire shall set it free.

Reader, if you an oft-tried rule will trust,

You'll gladly do and suffer what you must!

My life was worn with serving you and you,

And death is my reward, and welcome too.

Revenge destroying but itself. While I

To birds of prey leave my old cage, and fly.

Examples preach to th' eye — care, then, mine says,

Not how you end, but how you spend your days.

* I have not the original authority for this anecdote near me, but I transcribe one version of it from a French work by the accomplished M. Guizon. "Henri Marten conserva jusqu'à la fin de sa vie la même opinion sur la mort du roi. Un M. Lewis, habitant à Saint Pierre, aux environs de Chepstow, le recevait souvent chez lui, lorsqu'il sortait avec son garde. Il lui demanda un jour si, dans le cas où la chose serait à recommencer, il signerait de nouveau l'ordre de l'exécution de son souverain, Marten répondit affirmativement; sur quoi M. Lewis cessa de la recevoir." — *M. Guizon's Notes to Ludlow.*

† Wood Ath. Oxon. iii. 1942. Aubrey also mentions this circumstance.

Thus, to the very last hour, a sense of the great matters in which his early years had been engaged, was present with this eminent person, and the last lesson he desired to leave to posterity was in the spirit of those ancients on whose actions he had modelled his own, — that the most miserable or the most painful of deaths was nothing in the memory of a well-spent life. He had earned the glorious privilege of bequeathing such a lesson, for never was a cause more just or honourable, or in its result more fraught with blessings, felt to the present hour, than that which among the bravest of its advocates — exalting it by his generous purpose as he graced it by his wit — counts with pride the name of **HENRY MARTEN.**

APPENDIX.

A.

A healing Question propounded and resolved, upon Occasion of the late publique and seasonable Call to Humiliation, in order to Love and Union amongst the honest Party; and with a Desire to apply Balsome to the Wound, before it become incurable.

THE question propounded is, What possibility doth yet remain (all things considered) of reconciling and uniting the dissenting judgements of honest men within the three nations, who still pretend to agree in the spirit, justice, and reason of the same good cause; and what is the means to effect this?

Answer. If it be taken for granted (as on the magistrates part, from the ground inviting the people of England and Wales to a solemn day of fasting and humiliation, may not be dispaired of) that all the dissenting parties agree still in the spirit and reason of the same righteous cause, the resolution seems very clear in the affirmative; arguing not onely for a possibility, but a great probability hereof; nay, a necessity daily approaching neerer and neerer to compell it, if any or all of the dissenting parties intend or desire to be safe from the danger of the common enemy, who is not out of work, though at present much out of sight and observation.

The grounds of this are briefly these: First, the cause hath still the same goodnesse in it as ever; and is or ought to be as much in the hearts of al good people that have adheared to it: it is not lesse to be valued now, then when neither blood nor treasure were thought too dear to carry it on, and hold it up from sinking; and hath the same Omnipotent God, whose great name is concerned in it, as well as his peoples outward safety and welfare; who knows also how to give a revivall to

it, when secondary instruments and visible means fail, or prove deceitful.

Secondly, The persons concerned and engaged in this cause are still the same as before ; with the advantage of being more tried, more enured to danger and hardship, and more endeared to one another, by their various and great experiences, as well of their owne hearts as their fellow brethrens. These are the same still in heart and desire after the same thing, which is, that being freed out of the hands of their enemies, they may serve the Lord without fear, in holinesse and righteousness all the daies of their life.

As they have had this great good finally in their aims (if declarations to men, and appeals to God signifie any thing) so, as a requisite to attain this, they did with great cheerfulness and unanimity draw out themselves to the utmost, in the maintenance of a war, when all other means, first essayed, proved ineffectual. In the management of this war, it pleased God (the righteous judge, who was appealed to in the controverse) so to bless the council and forces of the persons concerned and engaged in this cause, as in the end to make them absolute and compleat conquerors over their common enemy. And by this meanes they had added unto the naturall right which was in them before (and so declared by their representatives in parliament assembled) the right of conquest for the strengthening of their just claim to be governed by national councils, and successive representatives of their own election and setting up. This they once thought they had been in possession of, when it was ratified, as it were, in the blood of the last king. But of late a great interreption having happened unto them in their former expectations, and instead thereof, something rising up that seems rather accommodated to the private and selfish interest of a particular part (in comparison) then truly adequate to the common good and concern of the whole body engaged in this cause : hence it is that this compacted body is now falling assunder into many dissenting parts (a thing not unforeseen, nor unhopd for by the common enemy all along as their last relief) ; and if these breaches be not timely healed, and the offences (before they take too deep root) removed, they will certainly work more to the advantage

of the common enemy, then any of their own unwearied endeavours, and dangerous contrivances in forraign parts, put all together.

A serious discussion, and sober enlarging upon these grounds, will quickly give an insight into the state of the question, and naturally tend to a plain and familiar resolution thereof.

That which is first to be opened, is the nature and goodness of the cause; which, had it not carried in it its own evidence, would scarce have found so many of the people of God adherers to it, within the three nations, contributing either their counsels, their purses, their bodily pains, or their affections and prayers, as a combined strength; without which, the military force alone would have been little available to subdue the common enemy, and restore to this whole body their just natural rights in civil things, and true freedom in matters of conscience.

The two last mentioned particulars, rightly stated, will evidence sufficiently the nature and goodness of this cause.

For the first of these, that is to say, the natural right, which the whole party of honest men adhering to this cause, are by success of their arms restored unto, fortified in, and may claim as their undeniable privilege, that righteously cannot be taken from them, nor they debarred from bringing into exercise, it lies in this:

They are to have and enjoy the freedom (by way of dutifull compliance and condiscention from all the parts and members of this society) to set up meet persons in the place of supreme judicature and authority amongst them; whereby they may have the use and benefit of the choicest light and wisdom of the nation that they are capable to call forth, for the rule and government under which they will live; and through the orderly exercise of such measure of wisdom and counsel as the Lord in this way shal please to give unto them, to shape and form all subordinate actings and administrations of rule and government, so as shall best answer the publique welfare and safety of the whole.

This, in substance, is the right and freedom contained in the nature and goodness of the cause, wherein the honest party

have been engaged : for in this, all the particulars of our civil right and freedom are comprehended, conserved in, and derived from their proper root ; in which whilst they grow, they will ever thrive, flourish, and increase ; whereas on the contrary, if there be never so many fair branches of liberty planted on the root of a private and selfish interest, they will not long prosper, but must, within a little time, wither and degenerate into the nature of that whereinto they are planted : and hence indeed sprung the evil of that government which rose in and with the Norman conquest.

The root and bottom upon which it stood, was not publique interest, but the private lust and will of the conqueror, who by force of armes did at first detain the right and freedom which was, and is, due to the whole body of the people ; for whose safety and good, government itself is ordained by God, not for the particular benefit of the rulers, as a distinct and private interest of their own ; which yet, for the most part, is not onely preferred before the common good, but upheld in opposition thereunto. And as at first the conqueror did, by violence and force, deny this freedom to the people, which was their natural right and priviledge, so he and his successors all along, lay as bars and impediments to the true national interest, and publique good, in the very national councils and assemblies themselves ; which were constituted in such a manner, as most served for the upholding of the private interest of their families. And this being challenged by them as their prerogative, was found by the people assembled in parliament, most unrighteous, burdensome, and destructive to their liberty. And when they once perceived that by this engine all their just rights were like to be destroyed, especially (being backed, as it was, with the power of the militia, which the late king, for that purpose, had assumed into his hands, and would not, upon the peoples application to him in parliament, part with into the hands of that great council, who were best to be intrusted with the nation's safety :) this was the ground of the quarrel, upon a civil account between the king and his party, and the whole body of adherents to the cause of the peoples true liberty ; whereof this short touch hath been given, and shall suffice for the opening of the first branch of this clause.

The second branch which remains briefly to be handled, is that which also upon the grounds of naturall right is to be laid claime unto; but distinguishes itself from the former, as it respects a more heavenly and excellent object, wherein the freedom is to be exercised and enjoyed, that is to say, matters of religion, or that concern the service and worship of God.

Unto this freedom the nations of the world have right and title, by the purchase of Christ's blood; who by vertue of his death and resurrection is become the sole Lord and Ruler in and over the conscience; for to this end Christ died, rose and revived, that he might be Lord both of the dead and of the living; and that every one might give an account of himself, in all matters of God's worship, unto God and Christ alone, as their own Master, unto whom they stand or fall in judgement, and are not in these things to be oppressed, or brought before the judgement-seats of men. For why shouldest thou set at naught thy brother in matters of his faith and conscience, and herein intrude into the proper office of Christ, since we are all to stand at the judgement-seat of Christ, whether governours or governed, and by his dicision only are capable of being declared with certainty, to be in the right or in the wrong?

By vertue then of this supream law, sealed and confirmed in the blood of Christ unto all men (whose souls he challenges a propriety in, to bring under his inward rule in the service and worship of God) it is that all magistrates are to fear and forbear intermeddling with giving rule or imposing in those matters. They are to content themselves with what is plain in their commission, as ordained of God to be his minister unto men for good, whilst they approve themselves the doers of that which is good in the sight of men, and whereof earthly and worldly judicatures are capable to make a clear and perfect judgement: in which case the magistrate is to be for praise and protection to them. In like manner he is to be a minister of terrour and revenge to those that doe evil in matters of outward practice, converse, and dealings in the things of this life between man and man, for the cause whereof the judicatures of men are appointed and set up. But to

exceed these limits, as it is not safe nor warrantable for the magistrate (in that he who is higher then the highest, regards, and will shew himself displeased at it), so neither is it good for the people, who hereby are nourished up in a biting, devouring, wrathful spirit one against another, and are found transgressors of that royal law which forbids us to doe that unto another, which we would not have them do unto us, were we in their condition.

This freedome then is of high concern to be had and enjoy, as well for the magistrates sake, as for the peoples common good ; and it consists, as hath been said, in the magistrates forbearing to put forth the power of rule and coercion in things that God hath exempted out of his commision. So that all care requisite for the peoples obtaining this, may be exercised with great ease, if it be taken in its proper season, and that this restraint be laid upon the supreme power before it be erected, as a fundamental constitution among others, upon which the free consent of the people is given, to have the persons brought into the exercise of supreme authority over them, and on their behalf, and if besides, as a further confirmation hereunto, it be acknowledged the voluntary act of the ruling power, when once brought into a capacity of acting legislatively, that herein they are bound up, and judge it their duty so to be (both in reference to God, the institor of magistracy, and in reference to the whole body by whom they are entrusted), this great blessing will hereby be so well provided for, that we shall have no cause to fear, as it may be ordered.

By this means a great part of the outward exercise of antichristian tyranny and bondage will be plucked up by the very roots ; which, till some such course be held in it, will be always apt to renew and sprout out afresh, under some new forme or refined appearances, as by late years experience we have been taught. For since the fall of the bishops and persecuting presbyteries, the same spirit is apt to arise in the next sort of clergy, that can get the ear of the magistrate, and pretend to the keeping and ruling the conscience of the governours. Although this spirit and practice hath been all along decried by the faithful adherents to this cause, as a most sore oppression, and insufferable yoke of bondage, most unrighteously kept up

over the consciences of the people ; and therefore judged by them most needful to be taken out of the way. And in this matter the present governors have been willing very eminently to give their testimony, in their publique declarations, however in practice there is much of grievance yet found among us, though more, in probability, from the officiousnesse of subordinate ministers, then any clear purpose or designe of the chief in power.

Having thus shewed what the true freedom is, in both the branches of it, that shines forth in the righteous cause, wherein the good people of these nations have so deeply engaged, it will not be improper in the next place to consider two particulars more that give still further light into the matter in question. As first, the qualifications of the persons that have adhered to this cause. Secondly, the capacity wherein they have been found from time to time carrying it on.

As to their qualification, they have, in the general, distinguished themselves and been made known, by a forwardness to assist and own the publique welfare and good of the nation, for the attaining and preserving the just rights and liberties thereof, asserted and witnessed unto in the true stating of this cause, according to the two branches thereof already spoken to. They have shewed themselves, upon all occasions, desirers and lovers of true freedom, either in civils, or in spirituals, or in both. To express their value thereof, and faithfulness to the same, they have largely contributed, in one kind or other, what was proper to each in his place to doe ; which actions of theirs, proceeding from hearts sincerely affected to the cause, created in them a right to be of an incorporation and society by themselves, under the name of the good party ; having been from the beginning unto this day publicquely and commonly so acknowledged, by way of distinction from all neuters, close and open enemies, and deceitful friends or apostates. These, in order to the maintaining of this cause, have stood by the army, in defence and support thereof, against all opposition whatever, as those that, by the growing light of these times, have been taught and led forth in their experiences, to look above and beyond the letter, forme, and outward circumstances of government, into the inward reason and spirit there-

of, herein only to fix and terminate, to the leaving behind all empty shadows, that would obtrude themselves in the place of true freedom.

Secondly, as to the capacity wherein these persons, thus qualified, have acted, it hath been very variable, and subject to great changes: sometimes in one forme, and sometimes in another, and very seldome, if ever at all, so exactly, and in all points consonant to the rule of former laws and constitutions of government, as to be clearly and fully justified by them, any longer then the law of succeſſe and conquest did uphold them who had the inward warrant of justice and righteousness to encourage them in such their actings.

The utmost and last reserve therefore which they have had, in case all other failed, hath been their military capacity, not only strictly taken for the standing army, but in the largest sense, wherein the whole party may (with the army, and under that military constitution and conduct, which by the providence of God they shall then be found in) associate themselves in the best order they can, for the common defence and safety of the whole. As not ignorant, that when once embodied in this their military posture, in such manner as by common consent shall be found requisite for the safety of the body, they are most irresistible, absolute, and comprehensive in their power; having that wherein the substance of all government is contained, and under the protection whereof, and safety that may be maintained thereby, they can contrive and determine, in what manner this irresistible, absolute, and boundless power, unto which they are now arrived in this their military capacity, shall have just and due limits set unto it, and be drawn out in a meet and orderly way of exercise, for the commonweale and safety of the whole body, under the rule and oversight of a supreme judicature; unto the wisdom of whose laws and orders, the sword is to become most entirely subject and subservient: and this without the least cause of jealousy or unsafety, either to the standing army, or any member thereof, or unto the good people adhering to this cause, or any one of them; since the interest of both, by this mutual action of either, will be so combined together in one (even in that wherein before they were distinct), that all

just cause of difference, fear, animosity, emulation, jealousy, or the like, will be wholly abolished and removed.

For when once the whole body of the good people find that the military interest and capacity is their own, and that into which necessity at the last may bring the whole party (whereof of right a place is to be reserved for them), and that herein they are so far from being in subjection or slavery, that in this posture they are most properly sovereign, and possess their right of natural sovereignty, they will presently see a necessity of continuing ever one with their army, raised and maintained by them, for the promoting this cause against the common enemy; who in his next attempt will put for all with greater desperateness and rage than ever.

Again, when once the standing army and their governors shall also find, that by setting and keeping up themselves in a divided interest from the rest of the body of honest men, they withhold from themselves those contributions in all voluntary and cheerful assistances, by the affections and prayers, by the persons and purses of the good party, to the weakning themselves thereby, as to any vigorous support from them, in the times of most imminent danger (whereof the late king had an experience, that will not suddenly be out of memory, when he undertook the war, in the beginning of these troubles, against the Scots, and was, in a manner, therein deserted by all the good party in England), they will then find (if they stay not till it be too late) that by espousing the interest of the people, in submitting themselves with their fellow adherents to the cause, under the rule and authority of their own supream judicature, they lose not their power or sovereignty; but becoming one civil or politique incorporation with the whole party of honest men, they do therein keep the sovereignty, as originally seated in themselves, and part with it only but as by deputation and representation of themselves, when it is brought into an orderly way of exercise, by being put into the hands of persons chosen and intrusted by themselves to that purpose.

By this mutual and happy transition which may be made between the party of honest men in the three nations virtually in arms, and those actually so now in power at the head of the

army, how suddenly would the union of the whole body be consolidated, and made so firm as it will not need to fear all the designs and attempts of the common enemy ; especially if herein they unite themselves in the first place to the Lord, as willing to follow his providence, and observe his will in the way and manner of bringing this to passe. In which case we shall not need to fear what all the gates of hell are able to do in opposition thereunto.

It is not then the standing and being of the present army and military forces in the three nations, that is lyable to exception of offence ; from any dissenting judgements at this time amongst the honest well affected party. In and with them, under God, stand the welfare and outward safety of the whole body ; and to be enemies to them or wish them hurt, were to doe it to themselves ; and by trying such conclusions to play the game of the common enemy, to the utter ruine and destruction, not only of the true freedome aimed at and contended for in the late wars, but of the very persons themselves that have been in any sort active or eminent promoters thereof.

The army, considered as it is in the hands of an honest and wise general, and sober faithful officers, embodied with the rest of the party of honest men, and espousing still the same cause, and acting in their primitive simplicity, humility, and trust, in reference to the welfare and safety of the whole body, is the only justifiable and most advantageous posture and capacity that the good party at present can finde themselves in, in order to the obtaining that true freedome, they have fought for, and possessing of it in the establishment thereof upon the true basis and foundation, as hath been shewed of right government.

That wherein the offence lies, and which causes such great thoughts of heart amongst the honest party (if it may be freely expressed, as sure it may, when the magistrate himselfe professes he doth but desire and wait for conviction therein), is in short this.

That when the right and priviledge is returned, nay, is restored by conquest unto the whole body (that forfeited not their interest therein), of freely disposing themselves in such a

constitution of righteous government, as may best answer the ends held forth in this cause; that nevertheless, either through delay they should be withheld as they are, or through design they should come at last to be utterly denied the exercise of this their right, upon pretence that they are not in capacity as yet to use it; which indeed hath some truth in it, if those that are now in power, and have the command of the arms, do not prepare all things requisite thereunto, as they may, and like faithful guardians to the commonwealth, admitted to be in its nonage, they ought.

But if the bringing of true freedom into exercise amongst men, yea, so refined a party of men, be impossible, why hath this been concealed all this while? and why was it not thought on before so much blood was spilt, and treasure spent? Surely such a thing as this was judged real and practicable, not imaginary and notional.

Besides, why may it not suffice to have been thus long delayed and withheld from the whole body, at least as to its being brought by them into exercise now at last? Surely the longer it is withheld, the stronger jealousies do increase; that it is intended to be assumed and engrossed by a part onely, to the leaving the rest of the body (who in all reason and justice ought to be equally participants with the other in the right and benefit of the conquest, for as much as the war was managed at the expence and for the safety of the whole) in a condition almost as much exposed, and subject to be imposed upon, as if they had been enemies and conquered, not in any sense conquerors.

If ever such an unrighteous, unkinde, and deceitful dealing with brethren should happen, although it might continue above the reach of question from humane judicature, yet can we think it possible it should escape and go unpunished by the immediate hand of the righteous Judge of the whole world, when he arriseth out of his place to do right to the oppressed?

Nay, if instead of favouring and promoting the peoples common good and welfare, self-interest and private gain should evidently appear to be the things we have aimed at all along; if those very tyrannical principles and antichristian

reliques, which God by us hath punished in our predecessors, should again revive, spring up afresh, and shew themselves lodged also and retained in our bosomes; rendring us of the number of those that have forgot they were purged from their old sins, and declaring us to be such as to please a covetous minde, do withhold from destruction that which God hath designed to the curse of his vengeance: if all those great advantages of serving the Lord's will and design in procuring and advancing his people's true welfare and outward safety, which (as the fruit of his blessing upon our armies) have so miraculously fallen into our hands, shall at last be wrested and misimproved to the enriching and greatning of our selves: if these things should ever be found amongst us (which the Lord in mercy forbid) shall we need to looke any further for the accursed thing? will not our consciences shew us, from the light of the Word and Spirit of God, how neer a conformity these actions would hold therewith? which sin (Josh. vii.) became a curse to the camp, and withheld the Lord from being any more amongst them, or going out with their forces. And did the action of Achan import any more than these two things? First, he saved and kept from destruction the goodly Babylonish garment, which was devoted by God thereunto. Secondly, he brought not in the fruit and gain of the conquest into the Lord's treasury, but covetously went about to convert it to his own proper use. To doe this is to take of the accursed thing, which (Josh. vii.) all Israel was said to do, in the sin of Achan, and to have stolen and dissembled likewise, and put it amongst their own stuffe. This caused the anger of the Lord to kindle against Israel, and made them unable to stand before their enemies, but their hearts melted as water. And thus far the Lord is concerned, if such an evil as this shall lie hid in the midst of us. But to return to what we were upon before.

The matter which is in question among the dissenting parts of the whole body of honest men, is not so trivial and of such small consequence, as some would make it. 'Tis, in effect, the main and whole of the cause; without which all the freedoms which the people have or can have, is in comparison but shadow and in name onely, and therefore can never give that peace and

satisfaction to the body, which is requisite unto a durable and solid settlement. This is that which makes all sound and safe at the root, and gives the right ballance necessary to be held up between sovereignty and subjection, in the exercise of all righteous government; applying the use of the sword to the promoting and upholding the publike safety and welfare of the whole body, in preference and if need be in opposition unto any of the parts; whilst yet by its equal and impartial administration in reference unto each, it doth withall maintain the whole body in a most delightful harmony, welfare, and correspondence. The sword never can, nor is it to be expected ever will do this, while the sovereignty is admitted and placed any where else, than in the whole body of the people that have adhered to the cause, and by them be derived unto their successive representatives, as the most equal and impartial judicature for the effecting hereof.

Where there is then a righteous and good constitution of government, there is first an orderly union of many understandings together, as the publike and common supream judicature or visible sovereignty, set in a way of free and orderly exercise, for the directing and applying the use of the ruling power or the sword, to promote the interest and common welfare of the whole, without any disturbance or annoyance, from within or from without. And then secondly, there is a like union and readiness of will in all the individuals, in their private capacities, to execute and obey (by all the power requisite, and that they are able to put forth) those sovereign laws and orders issued out by their own deputies and trustees.

A supream judicature thus made the representative of the whole, is that which, we say, will most naturally care, and most equally provide for the common good and safety. Though by this it is not denied, but that the supream power, when by free consent 'tis placed in a single person or in some few persons, may be capable also to administer righteous government; at least, the body that gives this liberty, when they need not, are to thank themselves if it prove otherwise. But when this free and natural access unto government, is interrupted and declined, so as a liberty is taken by any particular member, or number of them, that are to be reputed but a part

in comparison of the whole, to assume and engrosse the office of sovereign rule and power, and to impose themselves as the competent publique judge of the safety and good of the whole, without their free and due consent; and to lay claim unto this, as those that find themselves possessed of the sword (and that so advantageously, as it cannot be recovered again out of their hands, without more apparent danger and damage to the whole body, than such attempts are worth), this is that anarchy that is the first rise and step to tyranny; and laies grounds of manifest confusion and disorder; exposing the ruling power to the next hand that on the next opportunity can lay hold on the sword; and so, by a kind of necessity, introduces the highest imposition and bondage upon the whole body, in compelling all the parts, though never so much against the true publique interest, to serve and obey, as their sovereign rule and supream authority, the arbitrary will and judgment of those that bring themselves into rule by the power of the sword, in the right only of a part that sets up itself in preference before, or at least in competition with the welfare of the whole:

And if this, which is so essential to the well-being and right constitution of government, were once obtained, the disputes about the form would not prove so difficult, nor find such opposition, as to keeping the bone of contention and disunion, with much danger to the whole. For if, as the foundation of all, the sovereignty be acknowledged to reside originally in the whole body of adherents to this cause (whose natural and inherent right thereunto is of a far ancients date than what is obtained by success of their arms, and so cannot be abrogated even by conquest itself if that were the case); and then if, in consequence hereof, a supream judicature be set up and orderly constituted, as naturally arising and resulting from the free choice and consent of the whole body taken out from among themselves, as flesh of their flesh, and bone of their bone, of the same publique spirit and nature with themselves, and the main be by this means secured; what could be propounded afterwards, as to the form of administration that would much stick?

Would a standing council of state settled for life, in reference

to the safety of the commonwealth, and for the maintaining intercourse and commerce with foreign states, under the inspection and oversight of the supreme judicature, but of the same fundamentall constitution with themselves, would this be disliked? admitting their orders were binding, in the intervals of supreme nationall assemblies, so far onely as consonant to he settled lawes of the commonwealth, the vacancy of any of which, by death or otherwise, might be supplied by the vote of the major part of themselves. Nay, would there be any just exception to be taken, if (besides both these) it should be agreed (as another part of the fundamentall constitution of the government) to place that branch of sovereignty which chiefly respects the execution of lawes, in a distinct office from that of the legislative power (and yet subordinate to them and to the laws), capable to be entrusted into the hands of one single person, if need require, or in a greater number, as the legislative power should think fit; and for the greater strength and honour unto this office, that the execution of all lawes and orders (that are binding) may go forth in his or their name; and all disobedience thereunto, or contempt thereof, be taken as done to the peoples sovereignty, whereof he or they bear the image or representation, subordinate to the legislative power, and at their will to be kept up and continued in the hands of a single person or more, as the experience of the future good or evill of it shall require?

Would such an office as this, thus stated, carry in it any inconsistency with a free state? Nay, if it be well considered, would it not rather be found of excellent use to the well-being of magistracy, founded upon this righteous bottome, that such a lieftenantcy of the peoples sovereignty in these three nations, may alwayes reside in some one or more person, in whose administration, that which is reward and punishment may shine forth?

And if now it shal be objected, that (notwithstanding all these cautions) should once this sovereignty be acknowledged to be in the diffused body of the people (though the adherents to this cause, not onely as their naturall, but as their acquired right by conquest), they would suddenly put the use and exercise of the legislative power into such hands as would, through

their ill qualifiednesse to the work, spoyle all by male-administration thereof, and hereby lose the cause instead of upholding and maintaining it.

The answer unto this is, first, that God by his providence hath eased our minds much in this solicitude, by the course he hath already taken to fit and prepare a choyce and selected number of the people unto this work, that are tryed and refined by their inward and outward experiences in this great quarrell, and the many changes they have passed through : in respect whereof wel qualified persons are to be found, if due care be but taken in the choyce of them. And if herein this people of the Lord shall be waiting upon him for his guidance and presence with them, we may have grounds and hope that God (whose name hath all along been called upon in the maintaining of this cause) will pour out so abundantly of his spirit upon his people attending on him in righteous wayes, and will also so move their hearts to choose persons bearing his image into the magistracy, that a more glorious product may spring up out of this, than at first we can expect, to the setting up of the Lord himselfe, as chief judge and lawgiver amongst us. And unto this the wisdom and honesty of the persons now in power may have an opportunity eminently to come into discovery : for in this case, and upon the grounds already layed, the very persons now in power are they unto whose lot it would fall to set about this preparatory work ; and by their orders and directions to dispose the whole body, and bring them into the meetest capacity to effect the same. The most natural way for which would seem to be by a generall councill, or convention of faithful, honest, and discerning men, chosen for that purpose by the free consent of the whole body of adherents to this cause in the several parts of the nations, and observing the time and place of meeting appointed to them (with other circumstances concerning their election), by order from the present ruling power, but considered as generall of the army.

Which convention is not properly to exercise the legislative power, but only to debate freely, and agree upon the particulars, that by way of fundamentall constitutions shall be laid and inviolably observed, as the conditions upon which the

whole body so represented, doth consent to cast itself into a civil and politic incorporation, and under the visible form and administration of government therein declared, and to be by each individual member of the body subscribed in testimony of his or their particular consent given thereunto. Which conditions so agreed (and amongst them an Act of Oblivion for one) will be without danger of being broken or departed from; considering of what it is they are the conditions, and the nature of the convention wherein they are made; which is of the people represented in their highest state of sovereignty, as they have the sword in their hands unsubjected unto the rules of civil government, but what themselves orderly assembled for that purpose, do think fit to make. And the sword upon these conditions subjecting itself to the supreme judicature, thus to be set up; how suddenly might harmony, righteousness, love, peace, and safety unto the whole body follow hereupon, as the happy fruit of such a settlement, if the Lord have any delight to be amongst us!

And this once put in a way, and declared for by the general and army, (as that which they are clearly convinced, in the sight of God, is their duty to bring about, and which they engage accordingly to see done;) how firmly and freely would this oblige the hearts and persons, the counsels and purses, the affections and prayers, with all that is in the power of this whole party to do, in way of assistance and strengthening the hands of those now in power, whatever straits and difficulties they may meet with in the maintenance of the publique safety and peace!

This then being the state of our present affairs and differences, let it be acknowledged on all hands, and let all be convinced that are concerned, that there is not onely a possibility but a probability, yea, a compelling necessity, of a firm union in this great body, the setting of which in joint and tune again, by a spirit of meeknesse and fear of the Lord, is the work of the present day, and will prove the onely remedy under God to uphold and carry on this blessed cause and work of the Lord in the three nations, that is already come thus far on-wards in its progresse to its desired and expected end of

bringing in Christ, the desire of all nations, as the chiefe Ruler amongst us.

Now unto this re-uniting work let there be a readiness in all the dissenting parts from the highest to the lowest, by cheerfully coming forth to one another in a spirit of self-denial and love in stead of war and wrath, and to cast down themselves before the Lord, who is the father of all their spirits, in 'self-abasement and humiliation, for the mutual offence they have been in, for some time past, one unto another, and great provocation unto God, and reproach unto his most glorious name, who expected to have been served by them with reverence and godly fear ; for our God is a consuming fire.

And, as an inducement unto this, let us assure ourselves, the means of effecting it will not prove so difficult as other things that have been brought about in the late war, if the minds and spirits of all concerned were once well and duly prepared hereunto, by a kindly work of self-denial and self-abasement, set home by the spirit of the Lord upon their consciences, which, if he please, he may do we know not how soon. Nay, we shall behold with a discerning eye the inside of that work which God hath been doing amongst us the three years last past: it would seem chiefly to have been his aim, to bring his people into such a frame as this. For in this tract of time, there hath been (as we may say) a great silence in Heaven, as if God were pleased to stand still and be as a looker on, to see what his people would be in their latter end, and what work they would make of it, if left to their own wisdome and politick contrivances. And as God hath had the silent part, so men, and that good men too, have had the active and busie part, and have like themselves made a great sound and noise, like the shout of a king in a mighty host ; which, whilst it hath been a sound onely and no more, hath not done much hurt as yet ; but the fear and jealousie thereby caused, hath put the whole body out of frame, and made them apt to fall into great confusions and disorder.

And if there be thus arisen a general dissent and disagreement of parts (which is not, nor ought to be accounted the lesse considerable, because it lies hid and kept in under a pa-

tient silence), why should there not be as general a confession and acknowledgment of what each may find themselves overtaken in, and cannot but judge themselves faulty for? This kind of vent being much better than to have it break out in flames of a forward and untimely wrathful spirit, which never works the righteousness of God; especially since what hath been done amongst us, may probably have been more the effect of temptation than the product of any malicious design; and this sort of temptation is very common and incident to men in power (how good soever they may be) to be overtaken in, and thereupon do sudden unadvised actions, which the Lord pardons and over rules for the best: evidently making appear that it is the work of the weak and fleshly part, which his own people carry about with them too much unsubdued. And therefore the Lord thinks fit, by this means, to shew them the need of being beholding to their spiritual part, to restore them again, and bring them into their right temper and healthful constitution.

And thus whilst each dissenting part is aggravating upon it self-faultinesse and blame, and none excusing, but all confessing they deserve, in one sort or other, reproof, if not before men, yet in God's sight; who knows how soon it may please God to come into this broken, contrite, and self-denying frame of spirit in the good people within the three nations, and own them, thus truly humbled and abased, for his temple and the place of his habitation and rest, wherein he shall abide for ever? of whom it may be said, God is in the midst of her, she shall not be moved; God shall help her and that right early; or with his morning appearance. At which time he will sit silent no longer, but Heaven will speak again, and become active and powerful in the spirits and hearts of honest men, and in the works of his providences, when either they go out to fight by sea or by land, or remain in counsel and debates at home for the publique weal, and again hear the prayers of his people, and visibly own them as a flock of holy men, as Jerusalem in her solemn feasts. "I will yet for this be enquired of by the house of Israel, saith the Lord, to do it for them: and then they shall know that I the Lord their God am with them, and that they are my people, and that ye my flock, the flock of

my pasture, are men that have shewed yourselves weak sinful men, and I am your God that have declared myself an all-wise and powerfull God, saith the Lord God."

POSTSCRIPT.

READER,

Upon the perusal of this discourse thou wilt quickly perceive that these two things are principally aimed at in it by the author. First, to answer in some measure that which is called for by those in power, when they publicly profess they desire nothing more than conviction, and to find out the hidden provocations which either have or yet may bring forth the Lord against these nations, in the way which at present they are in.

Secondly, to remove out of the minds and spirits of the honest party, that still agree in the reason and justice of the good old cause, all things of a private nature and selfish concern (the tendency whereof serves but to foment and strengthen wrath and divisions amongst them), and in place thereof to set before them that common and public interest, which, if with sincerity embraced, may be the means of not only procuring a firm union amongst them, but also of conserving them herein.

In order to this, the author hath not been willing so much to declare his own opinion, or deliver any positive conclusions, as to discuss the business by way of question and answer, and thereby make as near a conjecture as he can of that wherein the several dissenting parts may with better satisfaction meet together, and agree upon a safe and righteous bottom, than to remain at the distance they do, to the apparent advantage of the common enemy, the approaching ruine of themselves, and needless hazard, if not loss, of the cause they have been so deeply engaged in. Especially considering that, when once they shall be found beginning to come forth to one another in such a condescending self-denying spirit, cleansed from the stain of hypocrisie and deceit, they may be well assured that light will spring up amongst them more and more

unto a perfect day ; and then those things which at present we have next in view, will prove as shadows ready to flee away before the morning brightness of Christs heavenly appearance and second coming ; through which they will be heightened and improved to their full maturity, to the bringing in that kingdom of his that shall never be moved.

And because an essay hath been already made in a private way to obtain the first thing, that is to say, conviction, which chiefly is in the hand of the Lord to give ; the same obligation lies upon the author, with respect to the second, for the exposing of it as now it is unto public view, and therein leaving it also with the Lord, for his blessing thereunto.

B.

The Peoples Case stated.

He in whom is the right of sovereign, and to give law, is either so of himself, or in the right of another, that may derive the same unto him ; which shows that there are two sorts of sovereigns.

A sovereign in the first sense, none is nor can be, but God, who is of himself most absolute. And he that is first of all others in the second sense, is the man Christ Jesus, to whom the power of sovereign, in the right of the Father, is committed, over all the works of God's hands. Christ exercised the same in the capacity of David's root from before the beginning of the world. He ownes himself thus to be, long before he became David's seed ; this, his being in spirit, or hidden being, even as a creature, the first of all creatures in personal union with the Word, David saw and acknowledged, *Psal. cx. 1.* Thus Christ may be called God's lieutenant sovereign, or general vicegerent of his supremacy over all in heaven and in earth. He therefore is the true universal king and root of all sovereign and just governing power, whether in heaven or on earth.

His sovereignty is unquestionable and unaccountable, because of the perfection of his person, carrying in it an aptitude and sufficiency to govern, without possibility of error or defect of any kind. Sovereign and governing power doth necessarily relate to subjects that are to be the ruled, and subjects capable of such government. Therefore when God himself purposes within himself to be supreme legislator and governour, he doth withal purpose the being and creation of both worlds, as the subject matter of his kingdom. He propounds to govern his subjects by and with their own consent and good liking; or, without and against it, in the way of his revenging justice; governing by laws, clearly stating and ascertaining the duty or the offence, as also the rewards and penalties.

Herein just government consists, or the justice of government; for he that rules over others must be just; and indeed should be seen to be so in all his commands; so seen, as to render the consciences of the ruled, and those whose duty it is to obey, inexcusable before God and before men, if they dissent or resist.

Inexcusable they are before God, because the matter commanded is the matter of God's law, and therefore just to be obeyed. They are also inexcusable before men, that which is required of them being generally acknowledged and affirmed (by those in whom the common consent of the subjects is intrusted to that end) to be just and reasonable, and therefore to be obeyed. For the end of all government, being for the good and welfare, and not for the destruction, of the ruled; God, who is the institutor of government, as he is pleased to ordain the office of governours, intrusting them with power to command the just and reasonable things which his own law commands, that carry their own evidence to common reason and sense, at least, that do not evidently contradict it, so he grants a liberty to the subjects, or those that by him are put under the rule, to refuse all such commands as are contrary to his law, or to the judgment of common reason and sense, whose trial he allows, by way of assent or dissent, before the commands of the ruler shall be binding or put in execution; and this in a co-ordinacy of power with just government, and as the due balance thereof. The original impressions of just

laws are in man's nature and very constitution of being. Man hath the law in his mind (or the superior and intellectual part of him), convincing and bringing that into obedience and subjection to the law of God, in Christ himself. He hath also that which is a law in his members that are on the earth (or his earthly and sensual part), whose power is co-ordinate with the other, but such, that if it be not gained into a harmony and conjunction with its head, the spirit or mind of man, hath ability to let and hinder his mind or ruling part from performing and putting in execution that which is good, just, fit, and to be acknowledged as the righteous dictates of the mind, which ought to be the ruling power, or law to the man. So in the outward government over man, the secondary or co-ordinate power, concurring with that which is the chief ruling power, is essential to just government; and is acknowledged to be so, by the fundamental constitution of the government of England, as well as in the legal being and constitution of parliaments, whether that which hath been usual and ordinary, according to the common law, or that which of late hath been extraordinary, by express statute, for the continuance of the parliament (17 *Car.*), until dissolved by act of parliament.

For, together with the legal being which is given to regal power and the prerogative of the crown, there is the legal power and being reserved also unto that body, which is the peoples or kingdoms representative, who are the hands wherein that which is called power politic is seated, and are intrusted with giving or withholding the common consent of the whole nation, according to the best of their understandings, in all matters coming before them, and are to keep this liberty inviolate and entire, against all invasions or encroachments upon it whatsoever.

* This second power, in the very writ of summons for calling a parliament, is declared to be of that nature, that what the first doth without obtaining the consent and approbation of the second, in parliament, is not binding but ineffectual. And when the representative body of the kingdom (in and with whom this power is intrusted, as the due and legal balance and boundary to the regal power, set and fixed by the funda-

mental constitution) is made a standing court, and of that continuance, as not to be dissolvable but by its own consent; during such its continuance, it hath right to preserve itself from all violent and undue dissolution, and to maintain and defend its own just priviledges, a chief of which is, to binde or loose the people, in all matters good or hurtful to them, according to their best judgement and discretion.

In the exercise of this their trust, they are indemnified by law, and no hurt ought to come unto them; that governing power, which is originally in God, and flowes at first from him, as the sole and proper fountain thereof, is brought into exercise amongst men, upon a differing and distinct account.

First, As it is a trust and right derived conditionally from God to his officers and ministers (which therefore may be lost), who being called by him, and in the course of his providence, to the exercise of it, are to hold it of him the universal King, and to own themselves, in the exercise thereof, as his vicegerents, to cut off by the sword of justice evil-doers, and to be a protection and encouragement to them that do well. But because it is part of God's call of any person to this high trust, to bring him into the possession and free exercise thereof, by the common consent of the body of the people, where such sovereign power is set up, unless they have forfeited this liberty; therefore,

Secondly, God doth allow and confer by the very law of nature, upon the community or body of the people, that are related to and concerned in the right of government placed over them, the liberty, by their common vote or suffrage duely given, to be assenters or dissenters thereunto, and to affirm and make stable, or disallow and render ineffectual, what shall apparently be found by them to be for the good or hurt of that society, whose welfare, next under the justice of God's commands and his glory, is the supreme law and very end of all subordinate governing power.

Sovereign power then comes from God, as its proper root, but the restraint or enlargement of it, in its execution over such or such a body, is founded in the common consent of that body.

The office of chief ruler, or head over any state, common-

wealth, or kingdom, hath the right of due obedience from the people inseparably annexed to it. It is an office, not only of divine institution, but for the safety and protection of the whole body or community, and therefore justly and necessarily draws to it, and engages their subjection.

This office of the sovereign, according to the laws and fundamental constitutions of the government of England, is ministered by the king in a twofold capacity, — as his will and personal command is in conjunction and agreement with his people in parliament, during the session thereof; or as it is in conjunction and agreement with the law, the parliament not sitting. But his will and personal command single, in disjunction and disagreement from the parliament or the laws, hath not the force of a law, saith Fortescue, and gives the reason of it, because this is a limited monarchy, where the king's power (as to the exercise of it) is only a power politic.

The obedience then which from the subject is due to the king, and which they are sworn to perform by the oath of allegiance, is to him, in the ministry of the royal office, according to the reason and intent of the fundamental compact and constitution, and according to his own oath, which is to govern by law; that is, to exercise his rule or royal commanding power, in conjunction and agreement with the parliament when sitting, and in conjunction and agreement with the laws of the land, they not sitting. To exercise his power otherwise is and hath been alwayes judged a grievance to the people, and a going against that which is the original right and just liberty of the community, who are not to be bound to such personal commands at will and pleasure, nor compelled to yield obedience thereunto.

The contrary hereunto was the principle at bottom of the king's cause which he endeavoured to uphold and maintain, in order to decline and lay aside the legal restraints as aforesaid, which the government of England, by the fundamental constitution, is subjected unto, as to the exercise and ministry of the royal office.

From the observation and experience which the people of England had, and made many years together, by their representatives in parliament, of a desire in the king to shake off

these legal restraints in the exercise of the regal power, and on their having tried the best wayes and means that occurred to their understandings, to prevent the same, and to secure to themselves the enjoyment of their just rights and liberty, they at last pitched upon the desiring from the king, the continuance of the sitting of the parliament called November 3d, 1640, in such sort as is expressed in that Act, 17 *Car.*, wherein it is provided that it shall not be discontinued or dissolved, but by act of parliament.

This was judged by them the greatest security imaginable, for keeping the ministry of the royal office within its due bounds, and for quieting the people in the enjoyment of their rights. But experience hath shewed, that this yet could not be done without a war, the worst and last of remedies. For although their continuance as the representative body of the kingdom, with the right to exercise the power and privileges inherent in and inseparable from that supreme court and chief senate (whereof the king is head, both making but one person or politick body in law), yet they themselves, as well as the king, were bound by the fundamental constitution or compact upon which the government was at first built, containing the condition upon which the king accepted of the royal office, and on which the people granted to him the tribute of their obedience and due allegiance. This condition (as the laws and experience declare) is, that the king shall exercise his office of rule over them according to the laws, as hath been shewed, and as he and his people shall from time to time agree in common council in parliament, for that end assembled. In respect hereof, the laws so made are called the concords or agreements, passed between the king and the subject, in the third part of Cook's Institutes.

These agreements then are the standard unto the king's rule and the people's obedience, signifying the justice of his commands and the dueness of their allegiance.

But the case so happening, that this conjunction and agreement which ought to be found between the personal will of the king, and representative will of the kingdom, failing, and these two wills declaring themselves in contrariety and opposition, both of them becoming standing powers, co-ordi-

nate and distinct parts of the supremacy, as the two channels wherein the supremacy is placed and appointed to run, as to its exercise by the fundamental constitution ; hence sprang the war, each asserting and endeavouring to defend and maintain their own part and right, which ought not to be kept up in disjunction and contrariety, but in unity and agreement each with other. These two parties with their adherents, in this case, may be, according to the law, contrarients one towards another, as the law affords an example, in the preamble to Cook's 4th part of his Institutes (not properly traitors), being co-ordinate powers, parts of the supremacy, that are the heads to each party ; and by consequence have a right of making a war, as their last appeal, if they cannot otherwise agree.

Being once entered thus into a state of war and actual enmity, they do as it were become two nations, and cease to be under the obligations they were in before ; for during this state of war and enmity, the standing laws (in a sort) cease, and a new way of rule, each party forms to himself and his adherents, as may best consist for each of their safeties and preservations.

Upon this disjunction of the two wills, in the harmony and agreement whereof the supremacy is placed, these following queries do naturally arise :—

First. — To which or whether of these by law is the allegiance required as due ? Is it to be yielded to the personal will of the king single, in disjunction from the will of the representative body of the kingdom ; or to the will of the people, in disjunction from the will of the king ? Or, is it to the personal will of the king, in conjunction with the laws, though in opposition and contrariety to the will of the kingdom's representative in Parliament assembled ? Or, is it to the will of the kingdom's representative, in conjunction with the laws, though in opposition to the personal will of the king ?

The Second Querie is, — In whose judgement in this case are the people by law to acquiesce, as to the declaring with whom the laws are ? Whether the personal judgement of the king single, or the vote of the senate, that is, the kingdom's representative body ?

The Third Querie is, — With whom will the laws be found to go in this case, so rare, unusual, and never happening before ; and who is the proper and competent judge ? Also, whether the laws be not perfectly silent, as never supposing such a case possible to happen, by reason that the power used by the one for dissolving the other, never before suffered the opposition to rise so high ?

The Fourth Querie is, — Whether he, in this case, that keeps his station and place of trust, wherein God and the law did set him, with care to demean himself according to the best of his understanding, agreeably to the law and customes of parliament, and pursuant to their votes and directions (so long as they sit and affirm themselves to be a parliament), and uses his best endeavours in the exercise of that publick trust, that no detriment in the general come unto the commonwealth by the failer of justice, and the necessary protection due from government, without any designing or intending the subversion of the constitution, but only the securing more fully the peoples liberties and just rights from all future invasions and oppressions, be not so far from deserving to be judged criminal in respect of any law of God or man, that he ought rather to be affirmed one that hath done his duty, even the next best that was left to him, or possible for him to do in such a dark stormy season, and such difficult circumstances?.

As to the right of the cause itself, it ariseth out of the matter of fact that hath happened, and, by the just and wise providence of God, hath been suffered to state itself, in the contest between the personal will and declared pleasure of the king on the one hand, and the publick will or vote of the people in parliament on the other, declaring itself either in orders or ordinances of both houses, or in the single act of the House of Commons, asserting itself a parliament, upon the grounds of the act, 17 *Car.*, providing against its dissolution.

This will appear with the more evidence and certainty, by considering wherein either part had a wrong cause, or did or might do that which was not their duty; taking the measure of their duty from what as well the king as the peoples representative are obliged unto, by the fundamental constitution of the government, which binds them in each of their capacities and distinct exercises of their trust, to intend and pursue the true good and welfare of the whole body or community as their end. This, in effect, is to detain the people in obedience and subjection to the law of God, and to guide them in the ways of righteousness unto God's well-pleasing; and to avoid falling out or disagreeing about the way or means leading to that end.

Hence that party which in his or their actings was at the greatest distance from, or opposition unto, this end, and wilfully and unnecessarily disagreed and divided from the other, in the ways and means that were most likely to attain this end; they were assuredly in the fault, and had a wrong cause to mannage,

under whatever name or face of authority it was headed and upheld. And such a wrong cause was capable of being espoused and mannaged under the face of authority, as might be pretended unto by either part. For as the king, insisting upon his prerogative, and the binding force which his personal will and pleasure ought to have, though in distinction from, and opposition to, his parliament, might depart from the end of government, answerable to his trust, and yet urge his right to be obeyed ; so the publick will of the people, exercised in and by the vote of their representative in parliament, asserting itself to be of a binding force also, and to have the place of a law, though in distinction from the king and laws also (as saith the king), whatever otherwise by them is pretended, might also depart from the true end of government, answerable to their trust, and yet insist upon their right to be obeyed and submitted unto ; and having power in their hands, might unduly go about also to compel obedience. It is not lawful either for king or parliament to urge authority and compel obedience as of right in any such cases, where, according to the law of nature, the people are at liberty, and ought to have a freedom from yeelding obedience, as they are and ought to have whenever any would compel them to disobey God, or to do things that evidently in the eye of reason and common sense are to their hurt and destruction. Such things nature forbids the doing of, having for that very purpose armed man with the defensive weapon of refusing to consent and obey, as that privilege, whereby man is distinguished from a beast ; which when he is deprived of he is made a beast, and brought into a state of perfect servitude and bondage.

¶ Such a state of servitude and bondage may by God's just judgement be inflicted upon man for sin and the abuse of his liberty, when by God restored. The liberty which man was at first created in, is that privilege and right which is allowed to him by the law of nature, of not being compelled under any pretence whatsoever to sin against God, or to go against the true good and welfare of his own being ; that is to say, of his inward or outward man, but in both these cases, to have and to use his just liberty, to dissent and refuse to obey.

For this every man hath that in himself, which by God is

made a proper and competent judge. For, as to all sin against God, and the righteousness of his law, the light of conscience, that is to say, the work of the law, in and upon the mind or inward sense, and in conjunction with it, doth lighten every one that cometh into the world, accusing or excusing, if it be but hearkened unto, and kept awake. And for all such actings, as tend to the ruine and destruction of man, in his outward and bodily concerns, and as he is the object of magistratical power and jurisdiction, every man hath a judgement of common sense, or a way of discerning and being sensible thereof, common to brute beasts, that take in their knowledge by the door of their senses, but is much heightened and ennobled in man, by the personal union it is taken into with his intellectual part, and intuitive way of discerning things, through the inward reflectings of the mind, compared with the law of God. This inferiour judgement in man, when it is conjoined with, and confirmed by the judgement of his superiour part, is that which we call rational, or the dictates of right reason, that man hath a natural right to adhere unto, as the ordinary certain rule which is given him by God to walk by, and against which he ought not to be compelled, or be forced to depart from it, by the meere will and power of another, without better evidence; that is, a higher, a greater, or more certain way of discerning. This therefore in Scripture is called *man's judgement* or *man's day*, in distinction from the *Lord's judgement* and the *Lord's day*. And this is that, in every individual man, which in the collective body of the people, and meeting of head and members in parliament, is called the supream authority, and is the publick reason and will of the whole kingdom; the going against which is, in nature, as well as by the law of nations, an offence of the highest rank amongst men. For it must be presumed that there is more of the wisdom and will of God in that publick suffrage of the whole nation, than of any private person or lesser collective body whatsoever, not better qualified and principled. For man is made in God's image, or in a likeness, in judgement and will unto God himself, according to the measure that in his nature he is proportioned and made capable to be the receiver and bearer thereof. Therefore it is, that the resisting and op-

posing either of that judgement or will, which is in itself supream, and the law to all others (or which bears so much proportion and likeness to the supream will, as is possible for a society and community of men agreeing together for that end, to contrive and set up for an administration thereof unto them), is against the duty of any member of that society, as well as it is against the duty of the body of the whole society, to oppose its judgement and will to that of the supream Law-giver, their highest Sovereign, God himself.

The highest judgement and will set up by God, for angels and men in their particular beings, to hold proportion with, and bear conformity unto (in the capacity of ruled, in relation to their chief ruler), shines forth in the person of Christ, the engrafted Word. And when by the agreement or common consent of a nation or state, there is such a constitution and form of administration pitched upon, as, in a standing and ordinary way, may derive and convey the nearest and greatest likeness in human laws, or acts of such a constitution, unto the judgement and will of the supream Legislator, as the rule and declared duty for every one in that society to observe; it is thereby, that government or supream power comes to receive being in a nation or state, and is brought into exercise according to God's ordinance and divine institution. So then, it is not so much the form of the administration, as the thing administered, wherein the good or evil of government doth consist; that is to say, a greater likeness or unlikeness unto judgement and will of the highest Being, in all the acts or laws, flowing from the fundamental constitution of the government.

Hence it is, that common consent, lawfully and rightfully given by the body of a nation, and intrusted with delegates of their own free choice, to be exercised by them, as their representatives (as well for the welfare and good of the body that trusts them, as to the honour and well-pleasing of God, the supream Legislator), is the principle and means, warranted by the law of nature and nations, to give constitution and admission to the exercise of government and supream authority over them and amongst them: agreeable hereunto, we are to suppose, that our ancestors in this kingdom did proceed, when they constituted the government thereof, in that form of ad-

ministration, which hath been derived to us, in the course and channel of our customes and laws; amongst which, the law and customes in and of the parliaments, are to be accounted as chief. For,

Hereby, *First*, The directive or legislative power (having the right to state and give the rule for the governours duty and the subjects obedience) is continued in our laws, which as well the king as people are under the observation of; witness the coronation oath, and the oath of allegiance.

Secondly, The coercive or executive power is placed in one person, under the name and style of a king, to be put forth not by his own single personal command, but by the signification of his will and pleasure, as the will of the whole state, in and by his courts of justice, and stated publick counsels and judicatures, agreed on for that purpose, between him and his people in their parliamentary assemblies.

The will of the whole state, thus signified, the law itself prefers before the personal will of the king, in distinction from the law, and makes the one binding, the other not. So that the publick will of the state, signified and declared by the publick suffrage and vote of the people or kingdom in parliament assembled, is a legal and warrantable ground for the subjects obedience, in the things commanded by it, for the good and welfare of the whole body, according to the best understanding of such their representative body, by it put forth, during the time of its sitting.

The body with whom the delegated vote and publick suffrage of the whole nation is intrusted, being once assembled, with power not to be dissolved but by their own consent, in that capacity the highest vote and trust that can be is exercised, and this by authority of parliament, unto *ex officio*, or by way of office are the keepers of the liberties of England, or of the people, by the said authority, for which they are accountable if they do not faithfully discharge that their duty. This office of keeping the liberty, which by the law of God and nature is due to the community or whole body of the people, is, by way of trust, committed by themselves to their own delegates, and in effect amounts unto this.

1. That they may of right keep out and refuse any to

exercise rule and command over them, except God himself who is the supream and universal king and governour ; or such as shall agree in their actings to bear his image, which is to be just, and show, for the warrant of their exercise of sovereignty, both a likeness in judgement and will unto Him who is wisdom and righteousness itself ; and the approbation and common consent of the whole body, rationally reposing that trust in them, from what is with visible and apparent characters manifest to them, of an aptness and sufficiency in them, to give forth such publick acts of government, that may bear the stamp of God's impression upon them in the judgements they do and execute ; especially being therein helped with a national council of the people's own choosing from time to time.

2. They may of right keep, hold, and restrain him or them, with whom the coercive or executive power is entrusted, unto a punctual performance of duty, according to the fundamental constitution, the oath of the ruler, and the laws of the land. And if they shall refuse to be so held and restrained by the humble desires, advice, and common consent in parliament, and the people's delegates be invaded and attempted upon by force, to deter them from the faithful discharge of this their duty ; they may, in asserting their right, and in a way of their own just defence, raise armes, put the issue upon battel, and appeal unto God.

3. Such appeal answered, and the issue decided by battel, the peoples delegates still sitting, and keeping together in their collective body, may of right, and according to reason, refuse the re-admission or new admission of the exercise of the former rulers, or any new rulers again over the whole body, till there be received satisfaction for the former wrongs done, the expence and hazard of the war, and security for the time to come, that the like be not committed again. Until this be obtained, they are bound in duty, in such manner as they judge most fit, to provide for the present government of the whole body, that the common-weal receive no detriment.

4. In this, which is the proper office of the people's delegates, and concerns the keeping and defending the liberty and right of the whole people and nation, they may and ought, during

their sitting, to exercise their own proper power and authority, the exigents of the kingdom requiring it, although the other two estates, joyntly instructed with them in the exercise of the legislative authority, should desert their station, or otherwise fail in the execution of their trusts; yea, or though many or most of their own members, so long as a lawful quorum remains, shall either voluntarily withdraw from them, or for just cause become excluded. In this discharge of their trust, for the common welfare and safety of the whole, their actings, though extraordinary and contrariant to the right of the other two, cannot be treasonable or criminal, though they may be tortious and erroneous, seeing they are equals and co-ordinate, in the exercise of the legislative power, and have the right of their own proper trust and office to discharge and defend, though their fellow trustees should fail in theirs. Nor can nor ought the people, as adherents to their own delegates and representatives, to be reputed criminal or blameworthy by the law.

In the exercise of one and the same legislative power, according to the fundamental constitution of the government of England, there are three distinct publick votes, allowed for assent or dissent, in all matters coming before them; the agreement of which is essential and necessary to the passing of a law: the personal vote of the king; the personal votes of the lords in a house or distinct body; and the delegated vote and suffrage of the whole people in their representative body, or the house of commons. Unto each of these appertains a distinct office and priviledge, proper to them.

1. The regal office, and the prerogative thereof, to the king.
2. The judicial office, to the lords, as the highest judicature and court of justice under the king, for the exercising coercive power and punishing of malefactors.
3. The office of the keepers of the liberties and rights of the people, as they are the whole nation, incorporated under one head, by their own free and common consent.

The regal office is the fountain of all coercive and executive power, pursuant to the rule set to the same by law, or the agreement of the three estates in parliament.

The rule which is set, is that of immutable just and right,

according to which penalties are applicable, and become due, and is first stated and ascertained in the declared law of God, which is the signification or making known by some sign, the will of the supream Legislator, proceeding from a perfect judgement and understanding, that is without all error or defect.

The will that flows from such a judgement is in its nature legislative and binding, and of right to be obeyed for its own sake, and the perfection it carries in it, and with it, in all its actings. This will is declared by word, or works, or both. By word we are to understand, either the immediate breath and spirit of God's mouth or mind, or the inspiration of the Almighty, ministered by the Holy Ghest, in and by some creature as his vessel and instrument, through which the holy scriptures of the Old and New Testament were composed. By works that declare God's will, we are to understand the whole book of the creature, but more eminently and especially the particular beings and natures of angels and men, who bear the name and likeness of God in and upon their judgements and their wills; their directing power, and their executive power of mind, which are essential to their being, life, and motion.

When these direct and execute, in conjunction and harmony with God's judgement and will, made known in his law, they do that which is right; and by adhering and conforming themselves unto this their certain and unerring guide, do become guides and rulers unto others, and are the objects of right choice, where rulers are wanting in church or state.

The rule then to all action of angels or men, is that of moral or immutable just and right, which is stated and declared in the will and law of God. The first and highest imitation of this rule, is the creature-being in the person of Christ. The next is the bride, the Lamb's wife. The next is the innumerable society of the holy angels. The next is the company of just men, fixed in their natural obedience and duty, through faith, manifesting itself not only in their spirits, but in their outward man, redeemed, even in this world, from the body of corruption, as far as is here attainable. The power which is directive, and states and ascertains the morality of the rule for obedience, is in the law of God. But the

original, whence all just executive power arises, which is magistral and coercive, is from the will or free gift of the people, who may either keep the power in themselves, or give up their subjection into the hands and will of another as their leader and guide, if they shall judge that thereby they shall better answer the end of government, to wit, the welfare and safety of the whole, than if they still kept the power in themselves. And when they part with it, they may do it conditionally or absolutely; and whilst they keep it, they are bound to the right use of it. In this liberty, every man is created, and it is the privilege and just right which is granted unto man by the supream Lawgiver, even by the law of nature, under which man was made.

God himself leaves man to the free exercise of this his liberty, when he tenders to him his safety and immutability, upon the well or ill use of this his liberty, allowing him the choice, either to be his own guide and self-ruler, in the ability communicated to him to know and execute God's will, and so to keep the liberty he is possessed of, in giving away his subjection or not; or else upon God's call and promise, to give up himself in way of subjection to God, as his guide and ruler, either absolutely or conditionally. To himself he expects absolute subjection; to all subordinate rulers, conditional.

While man's subjection is his own, and in his own keeping, unbestowed and ungiven out of himself, he is not, nor cannot be, accountable by way of crime or offence, against his ruler and sovereign, but may do with his own what he please; but still at his peril, if he use not this his liberty as he should, to the end for which it is given him, which is by voluntary and entire resignation to become an obedient subject unto Him who is the supream Lawgiver and rightful King, without possibility of change or defection.

Unto this right and the lawful exercise and possession of it, this nation did arrive by the good providence and gift of God, in calling and assembling the parliament, November 3d, 1640, and then continuing their session by an express act (17 *Car.*), with power not to be dissolved but by their own consent; which was not so much the introducing of a new law, as declaratory of what was law before, according to man's natural

right, in which he was created, and of which he was possessed by God, the sovereign giver of all things.

But the passing that said act of parliament alone was not that which restored the nation to their original right and just natural liberty; but only put them in the capacity and possibility of it. That which wanted to make out to the nation a clearness in having and obtaining this their right, was the obligation they had put upon themselves and their posterities to their present sovereign and his authority, which in justice and by the oaths of allegiance they were solemnly bound to, in the sight of God as well as of man. And therefore, unless by the abuse of that office of trust (to that degree, as on his part to break the fundamental compact and constitution of government), they could not be set free nor restored to their original right and first liberty: especially if, together with such breach of trust, both parties appeal to God, and put it upon the issue of battel, and God give the decision; and in consequence thereof, that original right be asserted, and possession thereof had and held for some years, and then not rightfully lost, but treacherously betrayed and given up by those in whom no power was rightfully placed, to give up the subjection of the nation again unto any whatsoever.

Unto which is to be added, that how and when the dissolution of the said parliament, according to law, hath been made, is yet unascertained, and not particularly declared: by reason whereof, and by what hath been before shewed, the state of the case on the subjects part is much altered, as to the matter of right, and the usurpation is now on the other hand, there being, as is well known, two sorts of usurpers; either such as having no right of consent at all unto the rule they exercise over the subject; or such who, under pretence of a right and title, do claim, not by consent, but by conquest and power, or else hold themselves not obliged to the fundamental compact and constitution of government, but gain unduly from the subject, by advantages taken through deceit and violence, that which is not their own by law.

For a rational man to give up his reason and will unto the judgement and will of another, without which no outward coercive power can be, whose judgement and will is not per-

fectly and unchangeably good and right, is unwise and unsafe, and by the law of nature forbidden. And therefore all such gift, made by rational men, must be conditional, either implied or explicit, to be followers of their rulers, so far as they are followers of that good and right, which is contained in the law of the supream Lawgiver, and no further; reserving to themselves, in case of such defection and declining of the rulers actings from the rule, their primitive and original freedom, to resort unto, that so they may, in such case, be as they were before they gave away their subjection unto the will of another; and reserving also the power to have this judged by a meet and competent judge, which is the reason of the king and kingdom, declared by their representatives in parliament; that is to say, the delegates of the people in the house of commons assembled, and the commissioners on the king's behalf, by his own letters patents in the house of peers; which two concurring, do very far bind the king, if not wholly.

And when these cannot agree, but break one from another, the commons in parliament assembled are, *ex officio*, the keepers of the liberties of the nation, and righteous possessors and defenders of it, against all usurpers and usurpations whatsoever, by the laws of England.

C.

Vanity of Vanities, or Sir Harry Vane's Picture.
(To the Tune of the Jews' Corant.)

Have you not seen a Bartholomew baby,
A pageant of policy as fine as may be,
That's gone to be shown at the mannor of Raby,
Which nobody can deny?

There was never such a prostitute sight,
That ere profaned this purer light,
A hocus pocus juggling knight,
Which nobody can deny.

He was taken for a Delphick Tripus,
 Quite another doubt-solving Œdipus,
 But the parliament made him a very quibus,
 Which nobody can deny.

His cunning state tricks and oracles,
 His lying wonders and miracles,
 Are turned at last into parliament shackles,
 Which nobody can deny.

* * * *

*He sate late in the house so discontent,
 With his arms folded and his brows bent,
 Like Achitophel to the parliament,*
 Which nobody can deny.

* * * *

When first the English war began,
 His father was a court trepan,
 And rose to be a parliament man,
 Which nobody can deny.

* * * *

The devil ne'er see such two Sir Harrys;
 Such a pest'lent pair nor near nor far is,
 No, not at the Jesuits' Sorbon of Paris,
 Which nobody can deny.

* * * *

His dainty project of a select senate,
 Is damned for a blasphemous tenet;
 'T was found in the budget ('t is said) of monk Bennet,
 Which nobody can deny.

Of this state and kingdomes he is the bane,
 He shall have the reward of Judas and Cain,
 And 't was he that overthrew Charles his wain,
 Which nobody can deny.

Should he sit where he did with his mischievous brain,
Or if any his counsels behind do remain,
The house may be called the labour in Vain,
Which nobody can deny.

D.

*Sir Henry Vane's Speech at a Committee for the Bill against
Episcopal Government, June 11. 1641.*

Mr. Hide sitting in the chair.

MASTER HIDE,

The debate we are now upon is, whether the government by archbishops, bishops, chancellors, &c., should be taken away out of the church and kingdom of England: for the right stating whereof, we must remember the vote which past yesterday, not only by this committee, but the house, which was to this effect: That this government hath been found, by long experience, to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the civil state.

So that, then, the question will lie thus before us: Whether a government, which long experience hath set so ill a character upon, importing danger, not only to our religion, but the civil state, should be any longer continued amongst us, or be utterly abolished?

For my own part, I am of the opinion of those who conceive that the strength of reason already set down in the preamble to this bill by yesterday's vote, is a necessary decision of this question: for one of the main ends for which church government is set up, is to advance and further the perfect reformation and growth of religion, which we have already voted this government doth contradict; so that it is destructive to the very end for which it should be, and is most necessary and

desirable; in which respect, certainly, we have cause enough to lay it aside, not only as useless, in that it attains not its end, but as dangerous, in that it destroys and contradicts it.

In the second place, we have voted it prejudicial to the civil state, as having so powerful and ill an influence upon our laws, the prerogative of the king, and liberties of the subject, that it is like a spreading leprosy, which leaves nothing untainted and uninfected which it comes near.

May we not therefore well say of this government as our Saviour, in the fifth of Matthew, speaks of salt (give me leave upon this occasion to make use of Scripture, as well as others have done in this debate), where it is said that salt is good: — “But if the salt hath lost its savour, wherewith will you season it? It is thenceforth good for nothing but to be cast out, and trodden under foot of men.” So church government, in the general, is good, and that which is necessary, and which we all desire; but when any particular form of it hath once lost its savour, by being destructive to its own ends, for which it is set up (as by our vote already passed we say this hath), then surely, sir, we have no more to do but to cast it out, and endeavour, the best we can, to provide ourselves a better.

But to this it hath been said, that the government now in question, may be so amended and reformed, that it needs not be pulled quite down or abolished, because it is conceived it hath no original sin, or evil in it; or if it have, it is said, regeneration will take that away.

Unto which I answer, I do consent that we should do with this government as we are done by in regeneration, in which all old things are to pass away, and all things are to become new; and this we must do, if we desire a perfect reformation, and growth of our religion, or good to our civil state. For the whole fabric of this building is so rotten and corrupt, from the very foundation of it to the top, that if we pull it not down now, it will fall about the ears of all those that endeavour it, within a very few years.

The universal rottenness or corruption of this government, will most evidently appear by a disquisition into these ensuing particulars.

First, let us consider in what soil this root grows: Is it not

in the pope's paradise? do not one and the same principles and grounds maintain the papacy, or universal bishop, as do our diocesan or metropolitan bishops? All those authorities which have been brought us out of the fathers and antiquity, will they not as well, if not better, support the popedom as the order of our bishops? So likewise all these arguments for its agreeableness to monarchy, and cure of schism, do they not much more strongly hold for the acknowledgment of the pope than for our bishops? And yet have monarchies been ever a whit the more absolute for the pope's universal monarchy? or their kingdoms less subject to schisms and seditions? whatsoever other kingdoms have been, I am sure our histories can tell us this kingdom hath not: and therefore we have cast him off long since, as he is foreign, though we have not been without one in our own bowels. For the difference between a metropolitan, or diocesan, or universal bishop, is not of kinds, but of degrees; and a metropolitan or diocesan bishop is as ill able to perform the duty of a pastor to his diocese or province, as the universal bishop is able to do it to the whole world: for the one cannot do but by deputies, and no more can the other; and therefore since we all confess the grounds upon which the papacy stands are rotten, how can we deny but these that maintain our bishops are so too, since they are one and the same?

In the second place, let us consider by what hand this root of episcopacy was planted, and how it came into the church.

It is no difficult matter to find this out; for is not the very spirit of this order a spirit of pride, exalting itself in the temple of God, over all that is called God? First, exalting itself above its fellow presbyters, under the form of a bishop; then over its fellow bishops, under the title of archbishops; and so still mounting over those of its own profession, till it come to be pope; and then it sticks not to tread upon the necks of princes, kings, and emperors, and trample them under its feet. Also thus you may trace it from its first rise, and discern by what spirit this order came into the church, and by what door, even by the back door of pride and ambition; not by Christ Jesus. It is not a plant which God's right hand hath planted, but is full of rottenness and corruption; that mystery of ini-

quity which hath wrought thus long, and so fit to be plucked up, and removed out of the way.

Thirdly, let us consider the very nature and quality of this tree or root in itself, whether it be good or corrupt in its own nature: we all know where it is said, "A good tree cannot bring forth corrupt fruit, nor a corrupt tree good fruit. Do men gather grapes of thorns, or figs of thistles?" By its fruit therefore we shall be sure to know it; and according as the fruits of the government have been amongst us, either in church or commonwealth, so let it stand or fall with us.

And of government in the church:—First, as itself came in by the back door into the church, and was brought in by the spirit of antichrist, so itself hath been the back door and inlet of all superstition and corruption into the worship and doctrine of this church, and the means of hastening us back again to Rome. For proof of this, I appeal to all our knowledges in late years past, the memory whereof is so fresh, I need enter into no particulars.

A second fruit of this government in the church hath been the displacing of the most godly and conscientious ministers; the vexing, punishing, and banishing out of the kingdom, the most religious of all sorts and conditions, that would not comply with their superstitious inventions and ceremonies; in one word, the turning the edge and power of their government against the very life and power of godliness, and the favour and protection of it unto all profane, scandalous, and superstitious persons that would uphold their party: thousands of examples might be given of this, if it were not most notorious.

A third fruit hath been schism and factions within ourselves, and alienation from all the reformed churches abroad.

And lastly, the prodigious monster of the late canons, whereby they had designed the whole nation to a perpetual slavery and bondage to themselves and their superstitious inventions.

These are the fruits of the government in the church. Now let us consider these in the civil state; as,

1. The countenancing all illegal projects and proceedings, by teaching in their pulpits the lawfulness of an arbitrary power.

2. The overthrowing all process at common law that reflected never so little upon their courts.

3. The kindling a war between these two nations, and blowing up the flame, as much as in them lay, by their counsels, cautions, and subsidies they granted to that end.

4. The plots, practices, and combinations during this parliament, in all which they seem to have been interested more or less.

Thus have they not contented themselves with encroachments upon our spiritual privileges, but have envied us our civil freedom, desiring to make us grind in their mill, as the Philistines did Samson, and to put out both our eyes: O let us be avenged of these Philistines for our two eyes!

If then the tree be to be known by its fruits, I hope you see by this time plainly the nature and quality of this tree.

In the last place, give me leave, for a close of all, to present to your consideration the mischiefs which the continuance of this government doth threaten us with, if by the wisdom of this committee they be not prevented.

First, the danger our religion must ever be in, so long as it is in the hands of such governors as can stand firmly in nothing more than its ruin; and whose affinity with the pope's hierarchy makes them more confident of the papists, than the professors of the reformed religion, for their safety and subsistence.

Secondly, the unhappy condition our civil state is in, whilst the bishops have vote in the lords' house, being there as so many obstructions, in our body politic, to all good and wholesome laws tending to salvation.

Thirdly, the improbability of settling any firm or durable peace so long as the cause of the war yet continues, and the bellows that blow up this flame.

Lastly, and that which I will assure you goes nearest to my heart, is the check which we seem to give to Divine Providence, if we do not at this time pull down this government.

For hath not this parliament been called continued, preserved, and secured by the immediate finger of God, as it were, for this work? had we not else been swallowed up in many inevitable dangers, by the practices and designs of these men and their party? Hath not God left them to themselves, as well in these things as in the evil administration of their government, that he might lay them open unto us, and lead us,

as it were, by the hand, from the finding them to be the causes of our evil, to discern that their rooting up must be our only cure? Let us not then halt any longer between two opinions, but with one heart and resolution give glory to God, in complying with his providence, and with the good safety and peace of this church and state, which is by passing this bill we are now upon.

E.

A Letter from a Person of Quality, to a Relation of Sir Henry Vane, about a Week after the Execution.

MADAM,

If I do later than others give you an account of the share I have in the loss of your generous kinsman, it is because I would not rudely disturb the motions of so just a sorrow; but I hope that you are assured I have so real a concern in all that relates to you, that it was not necessary, by an early haste, to send you an information of it. I have, madam, whilst I own a love to my country, a deep interest in the public loss, which so many worthy persons lament. The world is robbed of an unparalleled example of virtue and piety. *His great abilities made his enemies persuade themselves, that all the revolutions in the last age were wrought by his influence, as if the world were only moved by his engine. In him they lodged all the dying hopes of his party.* There was no opportunity that he did not improve for the advantage of his country. And when he was in his last and much-deplored scene, *he strove to make the people in love with that freedom they had so lavishly and foolishly thrown away.*

He was great in all his actions, but to me he seemed greatest in his sufferings, when his enemies seem to fear, that he alone should be able to acquaint them with a change of fortune. In his lowest condition, you have seen him the terror of a great prince, strengthened by many potent confederates and armies;

you have seen him live in high estimation and honour, and certainly he died with it. Men arrive at honours by several ways. The martyrs, though they wanted the glittering crowns the princes of those ages dispensed, have rich ones in every just man's esteem. Virtue, though unfortunate, shines in spite of all its enemies; nor is it in any power to deface those lasting monuments your friend hath raised of his, in every heart that either knew him, *or held any intelligence with fame*. But, madam, I trespass too long upon your patience. This is a subject I am apt to dwell on, because I can never say enough of it. I shall now only desire you to make use of that fortitude and virtue, that raised your friend above the malice and power of his enemies; and do not by an immoderate sorrow destroy that which was so dear to him, yourself; but live the lively representation of his virtue, the exercise of which that made you always the admiration of

Your humble servant, &c.

The 22d June, 1662.

THE END.

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